LAWS

CONCERNING THE

ELECTION

OF

MEMBERS

OF

PARLIAMENT;

WITH THE

DETERMINATIONS

OF THE

HOUSE OF COMMONS

THEREON,

AND ALL THEIR INCIDENTS:

CONTINUED DOWN TO THE PRESENT TIME.

THE WHOLE

DIGESTED UNDER PROPER TITLES;

ALSO AN

APPENDIX OF PRECEDENTS,

WITH

A TABLE OF THE PRINCIPAL MATTERS.

A NEW EDITION, WITH ADDITIONS.

By A GENTLEMAN OF THE INNER-TEMPLE.

LONDON:

Printed for W. OWEN, No. 11, between the Temple-Gates, in Fleet-ſtreet,

M.DCC.LXXIV.

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PREFACE.

"BECAUSE the true and ancient Inſtitution of Parliament, do require the lower Houſe, at this Time, if ever, to be compounded of the graveſt, ableſt, and worthieſt Members that may be found: We do hereby, (ſaid King *James* the Firſt, in a Proclamation for a Parliament) out of the Care of the common Good, wherein themſelves are participant, without all Prejudice to the Freedom of Elections, admoniſh all our loving Subjects, that have Votes in the Election of Knights and Burgeſſes, of theſe few Points following.

"That they caſt their Eyes upon the worthieſt Men of all Sorts, Knights and Gentlemen, that are Lights and Guides in their Countries, experienced Parliament Men, wiſe and diſcreet Stateſmen, that have been practiſed in public Affairs, whether at Home or Abroad, grave and eminent Lawyers, ſubſtan-

tial Citizens and Burgeſſes, and generally ſuch as are intereſted and have Portion in the Eſtate.

" Secondly, That they make Choice of ſuch as are well affected in Religion, without declining either on the one Hand to Blindneſs and Superſtition, or on the other Hand to Sciſm or turbulent Diſpoſition.

" Thirdly and laſtly, That they be truly ſenſible, not to diſvalue or diſparage the Houſe with Bankrupts and neceſſitous Perſons, that may deſire long Parliaments only for Protection; Lawyers of mean Account and Eſtimation; young men that are not ripe for grave Conſultations; mean Dependants upon great Perſons, that may be thought to have their Voices under Command, and ſuch like obſcure and inferior Perſons: ſo that, to conclude, we may have the Comfort to ſee before us the very Face of a ſufficient and well compoſed Houſe, ſuch as may be worthy to be a Repreſentative of a third Eſtate of our Kingdom, fit to nouriſh a loving and comfortable Meeting between Us and our People, and fit to be a noble Inſtrument, under the Bleſſing of Almighty *God*, and our princely Care and Power, and with the loving Conjunction of our Prelates and Peers, for the ſettling ſo great Affairs," as the proper Objects of Parliament. See Lord *Bacon*'s Works, 3 Vol. Qto. 387, 388.

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1 *H.* 5. *ch.* 1. What Sort of People ſhall be choſen, and who ſhall be Chooſers of the Knights and Burgeſſes of the Parliament.

8 *H.* 6. *ch.* 7. What ſort of Men ſhall be Chooſers; and who ſhall be Knights of the Parliament.

10 *H.* 6. *ch.* 2. Certain Things required in him who ſhall be a Chooſer of the Knights of Parliament.

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1 *W.* & *M. c.* 1. An Act for removing and preventing all Queſtions and Diſputes con-

concerning the aſſembling and ſitting of this preſent Parliament.

1 *W. & M. ſt.* 1. *ch.* 8. An Act for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths.

1 *W. & M. Seſſ.* 2. *ch.* 2. An Act declaring the Rights and Liberties of the Subject, and ſettling the Succeſſion of the Crown.

2 *W. & M. ſt.* 1. *ch.* 7. An Act declaring the Right and Freedom of Election of Members to ſerve in Parliament for the *Cinque-Ports.*

4 *W. & M. c.* 7. An Act for granting to their Majeſties certain Rates and Duties upon Salt, and upon Beer, Ale, and other Liquors; for ſecuring certain Recompences and Advantages in the ſaid Act mentioned, to ſuch Perſons as ſhall voluntarily advance the ſum of ten hundred thouſand Pounds towards carrying on the War againſt *France.*

5 *W & M. c.* 20. An Act for granting to their Majeſties ſeveral Rates and Duties upon Tonnage of Ships and Veſſels, and upon Beer, Ale, and other Liquors; for ſecuring certain Recompences and Advantages in the ſaid Act mentioned, to ſuch Perſons as ſhall voluntarily advance the Sum of fifteen hundred thouſand Pounds towards carrying on the War againſt *France.*

7 *W.* 3. *ch.* 4. An Act for preventing Charge and Expence in Elections of Members to ſerve in Parliament.

7 *W.* 3. *ch.* 7. An Act to prevent falſe and double Returns of Members to ſerve in Parliament.

7 *W.* 3. *c.* 25. An Act for the further regulating Elections of Members to ſerve in Parliament; and for the preventing irregular Proceedings of Sheriffs and other Officers in the electing and returning ſuch Members.

10 & 11 *W.* 3. *ch.* 7. An Act for preventing irregular Proceedings of Sheriffs and other Officers, in making the Returns of Members choſen to ſerve in Parliament.

11 & 12 *W.* 3. *ch.* 2. An Act for granting an Aid to his Majeſty by Sale of the forfeited, and other Eſtates and Intereſts in *Ireland*; and by a Land-Tax in *England*, for the ſeveral Purpoſes therein mentioned.

12 & 13 *W.* 3. *ch.* 2. An Act for the further Limitation of the Crown, and better ſecuring the Rights and Liberties of the Subjects.

12 & 13 *W.* 3. *ch.* 10. An Act for granting an Aid to his Majeſty, for defraying the Expence of his Navy, Guards and Garriſons for one Year, and for other neceſſary Occaſions.

13 *W.* 3. *ch.* 6. An Act for the further Security of his Majeſty's Perſon, and the Succeſſion of the Crown in the Proteſtant Line, and for extinguiſhing the Hopes of the pretended Prince of *Wales*, and all other Pretenders, and their open and ſecret Abettors.

2 & 3 *Ann ch.* 4. An Act for the public Regiſtring of all Deeds, Conveyances and Wills that ſhall be made of any Honours, Manors, Lands Tenements or Hereditaments within the *Weſt-Riding* of the County of *York*, after the nine and twentieth Day of *September*, One thouſand ſeven hundred and four.

4 & 5 *Ann, ch.* 8. An Act for the Union of the two Kingdoms of *England* and *Scotland*.

6 *Ann, ch.* 6. An Act for rendering the Union of theſe two Kingdoms more entire and complete.

6 *Ann, ch.* 7. An Act for the Security of her Majeſty's Perſon and Government, and of the Succeſſion to the Crown of *Great Britain* in the Proteſtant Line.

6 *Ann, ch.* 23. An Act to make further Proviſion for electing and ſummoning ſixteen Peers of *Scotland*, to ſit in the Houſe of Peers in the Parliament of *Great Britain*, and for trying Peers for Offences committed in *Scotland*, and for the further regulating of Elections of Members to ſerve in Parliament.

An

6 *Ann*, *ch.* 35. An Act for the public Regiſtring of all Deeds, Conveyances, Wills, and other Incumbrances, that ſhall be made of, or that may affect any Honors, Manors, Lands, Tenements, or Hereditaments within the *Eaſt-Riding* of the County of *York*, or the Town and County of the Town of *Kingſton* upon *Hull*, after the nine and twentieth Day of *September*, One thouſand ſeven hundred and eight; and for the rendering the Regiſter in the *Weſt Riding* more complete.

7 *Ann*, *c.* 20. An Act for the public Regiſtring of Deeds, Conveyances, and Wills, and other Incumbrances which ſhall be made of, or that may affect any Honors, Manors, Lands, Tenements, or Hereditaments, within the County of *Middleſex*, after the twenty-ninth Day of *September*, One thouſand ſeven hundred and nine.

9 *Ann*, *ch.* 5. An Act for ſecuring the Freedom of Parliaments by the further qualifying the Members to ſit in the Houſe of Commons.

10 *Ann*, *c.* 19. An Act for laying ſeveral Duties upon all Sope and Paper made in *Great Britain*, or imported into the ſame; and upon chequered and ſtriped Linnens imported; and upon certain Silks, Callicoes, Linnens and Stuffs, printed, painted, or ſtained; and upon ſeveral Kinds

of ſtamped Velum, Parchment and Paper; and upon certain printed Papers, Pamphlets, and Advertiſements; for raiſing the Sum of eighteen hundred thouſand Pounds, by way of Lottery towards her Majeſty's Supply; and for Licenſing an additional number of Hackney Chairs; and for charging certain Stocks of Cards and Dice; and for better ſecuring her Majeſty's Duties to ariſe in the Office, for Stamp-Duties by Licences for Marriages, and otherwiſe; and for Relief of Perſons who have not claimed their Lottery Tickets in due Time, or have loſt Exchequer Bills, or Lottery Tickets; and for borrowing Money upon Stock (Part of the Capital of the South Sea Company) for the Uſe of the Public.

10 *Ann, ch.* 23. An Act for the more effectual preventing fraudulent Conveyances in order to multiply Votes for electing Knights of Shires to ſerve in Parliament.

12 *Ann, ch.* 5. An Act to explain a Clauſe in an Act of the laſt Seſſion of Parliament, intitled, "An act for the more effectual preventing fraudulent Conveyances, in order to multiply Votes for electing Knights of Shires to ſerve in Parliament, as far as the ſame relates to the aſcertaining

taining the Value of Freeholds of forty Shillings *per Annum*.

12 *Ann, Seſſ.* 1. *ch.* 6. An Act for the better regulating the Elections of Members to ſerve in Parliament for that Part of *Great Britain* called *Scotland*.

12 *An. ſt.* 1. *c.* 15. An Act for making perpetual an Act made in the ſeventh Year of the Reign of the late King *William*, intituled, "An Act to prevent falſe and double Returns of Members to ſerve in Parliament."

1 *Geo. ſt.* 2. *c.* 4. An Act to explain the Act made in the twelfth Year of the Reign of King *William* the Third, intitled, "An Act for the further Limitation of the Crown, and better ſecuring the Rights and Liberties of the Subject."

1 *Geo. ſt.* 2. *c.* 13. An Act for further Security of his Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Heirs of the late Princeſs *Sophia*, being Proteſtants; and for extinguiſhing the Hopes of the pretended Prince of *Wales*, and his open and ſecret Abettors.

3 *Geo. c.* 8. An Act for redeeming ſeveral Funds of the Governor and Company of the Bank of *England*, purſuant to former Proviſoes of Redemption; and for ſecuring to them ſeveral new Funds and Al-

lowances redeemable by Parliament; and for obliging them to advance further Sums not exceeding two Millions five hundred thouſand Pounds at five Pounds *per Centum*, as ſhall be found neceſſary to be employed in leſſening the national Debts and Incumbrances; and for continuing certain Proviſions formerly made for the Expences of his Majeſty's civil Government, and for Payment of Annuites formerly purchaſed at the Rate of five Pounds *per Centum*; and for other Purpoſes in this Act mentioned.

3 *Geo. c.* 9. An Act for redeeming the yearly Fund of the *South Sea Company* (being after the Rate of ſix Pounds *per Centum, per Annum*) and ſettling on the ſaid Company a yearly Fund, after the Rate of five Pounds *per Centum, per Annum*, redeemable by Parliament; and to raiſe for an Annuity or Annuities at five Pounds *per Centum, per Annum*, any Sum not exceeding two Millions, to be employed in leſſening the National Debts and Incumbrances; and for making the ſaid new yearly Fund and Annuities to be hereafter redeemable in the Time and Manner thereby preſcribed.

6 *Geo. c.* 18. An Act for better ſecuring certain Powers and Privileges intended to be granted by his Majeſty, by

by two Charters for Assurance of Ships and Merchandizes at Sea, and for lending Money upon Bottomry; and for restraining several extravagant and unwarrantable Practices therein mentioned.

11 *Geo.* 1. *c.* 18. An Act for regulating Elections within the City of *London*; and for preserving the Peace, good Order and Government of the said City.

1 *Geo.* 2. *ch.* 56. An act to disable any Person from being chosen a Member of, or from sitting and voting in the House of Commons, who has any Pension for any Number of Years from the Crown.

2 *Geo.* 2. *ch.* 24. An Act for the more effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament.

2 *Geo.* 2. *c.* 25. An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury; and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money.

7 *Geo.* 2. *c.* 16. An Act for the better regulating the Election of Members to serve in the House of Commons, for that Part of *Great Britain* called *Scotland*; and for incapacitating the

the Judges of the Court of Seſſion, Court of Juſticiary, and Barons of the Court of *Exchequer* in *Scotland*, to be elected, or to ſit or vote as Members of the Houſe of Commons.

8 *Geo.* 2. *c.* 6. An Act for the public Regiſtring of all Deeds, Conveyances, and Wills, and other Incumbrances, that ſhall be made of, or that may affect, any Honors, Manors, Lands, Tenements or Hereditaments, within the *North Riding* of the County of *York*, after the nine and twentieth Day of *September*, One thouſand ſeven hundred and thirty-ſix.

8 *Geo.* 2. *c.* 30. An Act for regulating the Quartering of Soldiers during the Time of Elections of Members to ſerve in Parliament.

9 *Geo.* 2. *c.* 38. An Act to explain and amend ſo much of an Act made in the ſecond Year of his preſent Majeſty's Reign, intitled, "An Act for the more effectual preventing Bribery and Corruption in the Election of Members to ſerve in Parliament," as relates to the commencing and carrying on of Proſecutions grounded upon the ſaid Act.

13 *Geo.* 2. *c.* 7. An Act for naturalizing ſuch foreign Proteſtants, and others therein mentioned, as are ſettled

or ſhall ſettle, in any of his Majeſty's Colonies in *America*.

15 *Geo.* 2. *c.* 22. An Act to exclude certain Officers from being Members of the Houſe of Commons.

16 *Geo.* 2. *c.* 11. An Act to explain and amend the Laws touching the Election of Members to ſerve for the Commons in Parliament, for that Part of *Great Britain* called *Scotland*; and to reſtrain the Partiality, and regulate the Conduct of returning Officers at ſuch Elections.

18 *Geo.* 2. *c.* 18. An Act to explain and amend the Laws touching the Elections of Knights of the Shire to ſerve in Parliament for that Part of *Great Britain* called *England*.

19 *Geo.* 2. *c.* 28. An Act for the better regulating of Elections of Members to ſerve in Parliament for ſuch Cities and Towns in that Part of *Great Britain* called *England*, as are Counties of themſelves.

20 *Geo.* 2. *c.* 44. An Act to extend the Proviſions of an Act made in the thirteenth Year of his preſent Majeſty's Reign, intitled, "An Act for naturalizing ſuch Foreign Proteſtants, and others therein mentioned, as are ſettled, or ſhall ſettle in any of his Majeſty's Colonies in *America*, to other Foreign Proteſtants,

tants who conſcientiouſly ſcruple the taking of an Oath.

22 *Geo.* 2. *c.* 44. An Act to enable ſuch Officers, Mariners, and Soldiers, as have been in his Majeſty's Service ſince his Acceſſion to the Throne, to exerciſe Trades.

31 *Geo.* 2. *c.* 14. An Act for further explaining the Laws touching the Electors of Knights of the Sire to ſerve in Parliament for that Part of *Great Britain* called *England.*

33 *Geo* 2 *ch.* 20. An Act to enforce and render more effectual the laws relating to the Qualification of Members to ſit in the Houſe of Commons.

2 *Geo.* 3. *c.* 25. An Act for naturalizing ſuch Foreign Proteſtants as have ſerved, or ſhall ſerve for the Time therein mentioned, as Officers or Soldiers in his Majeſty's Royal *American* Regiment, or as Engineers in *America.*

3 *Geo.* 3. *c.* 15. An Act to prevent occaſional Freemen from voting at Elections of Members to ſerve in Parliament for Cities and Boroughs.

3 *Geo.* 3. *c.* 24. An Act to prevent fraudulent and occaſional Votes in the Elections of Knights of the Shire, and of Members for Cities and Towns which are Counties of themſelves,

so far as relates to the Right of voting, by Virtue of an Annuity or Rent-Charge.

10 *Geo.* 3. *c.* 16. An Act to regulate the Trial of controverted Elections, or Returns of Members to serve in Parliament.

10 *Geo.* 3. *c.* 41. An Act to enable the Speaker of the House of Commons to issue his Warrants to make out new Writs for the Choice of Members to serve in Parliament, in the Room of such Members as shall die during the Recess of Parliament.

11 *Geo.* 3. *c.* 42. An Act to explain and amend the above Act of 10 *G.* 3. *ch.* 16.

11 *Geo.* 3. *c.* 55. An Act to incapacitate *John Burnett*, and Sixty-seven others by Name, from voting at Elections of Members to serve in Parliament, and for the preventing Bribery and Corruption in the Election of Members to serve in Parliament, for the Borough of *New Shoreham*, in the County of *Sussex*.

LAWS, &c.

THE Commons make the third Eſtate of Parliament, and conſiſt of Knights of Shires, Citizens and Burgeſſes; and all ought to be elected by Writ, *ex Debito Juſtitiæ*; and they repreſent all the Commons of the Realm, 4 *Inſt.* 1.

The * Beginning of their Attendance in Parliament ſeems to have been ſince the fortieth Year of *Hen.* 3. and the firſt Writ for their Election, 49 *Hen.* 3. *Cot. abr. Præf.* 11, 12, 13. *b.*

In the Election of Knights, Citizens and Burgeſſes to ſerve in Parliament conſiſts the Exerciſe of the democratical Part of our Conſtitution: for in a Democracy there can be no Exerciſe of Sovereignty but by Suffrage, which is the Declaration of the People's Will. In all Democracies there-

* One great Point, which a modern noble Hiſtorian, and the moſt able by far that *England* ever produced, hath demonſtrated, is that the Origin of the Houſe of Commons, particularly the Right of the Boroughs to ſend Members to Parliament, is of a much ealier Date than 49 *Hen.* 3. the Period aſſigned by moſt other Hiſtorians: He aſſerts and proves, that this Right, and the Exerciſe of it, is as ancient as the firſt Introduction of the *Anglo Saxon* Government into this Iſland: that it was brought over by the *Saxons*, from *Germany*, where it had been enjoyed by that free People from Time immemorial; and that it prevailed in *England*, during all the Reigns of the *Saxon* Kings, and was never aboliſhed even under thoſe of the *Normans*. See Lord *Lyttleton*'s Hiſtory of the Life of *Hen.* 2. Vol. 2. p. 273 to 286. Vol. 3. p. 62 to 114.

fore it is of the utmoſt Importance to regulate by whom, and in what Manner, the Suffrages * are to be given. In *England*, where the People do not debate in a collective Body, but by Repreſentation; the Exerciſe of this Sovereignty conſiſts in the Choice of Repreſentatives. The Laws † have therefore very ſtrictly guarded againſt Uſurpation or Abuſe of this Power, by many ſalutary Proviſions, which may be reduced to theſe ſeven Points.

1. *The Qualifications of the Electors.*
2. *The Qualifications of the Elected.*
3. *Bribery and Corruption.*
4. *The Manner of and Proceedings at Elections.*
5. *The Return.*
6. *Trials on Controverted Elections.*
7. *The Incapacity of the Members of the Chriſtian Society, in the Borough of* New-Shoreham *in the County of* Suſſex, *the Qualifications of the Electors, and the Return in the ſaid Borough.*

Theſe we ſhall conſider as they affect,

I. ENGLAND; II. SCOTLAND; III. WALES.

I. ENGLAND.

Previous to our general Inquiry, we will mention the few Particulars concerning

* The *Athenians* were ſo juſtly jealous of this Prerogative, that a Stranger who interfered in the Aſſemblies of the People, was puniſhed by their Laws with Death; becauſe ſuch a Man was eſteemed guilty of High Treaſon, by uſurping thoſe Rights of Sovereignty, to which he had no Title. *Black. Com.* 165.

† *Mor. Whitel. on Govern. chap.* 77. *fol.* 97, 98.

1. *Cheſter*; 2. *Durham*.

1. *Cheſter*.

By Stat. 34 & 35 *Hen.* 8. *c.* 13. *ſect.* 1. "The County Palatine of *Cheſter*, ſhall have two Knights, and likewiſe two Citizens to be Burgeſſes for the City of *Cheſter*, to be choſen by Proceſs, to be awarded by the Chancellor of *England* unto the Chamberlain of *Cheſter*, his Lieutenant or Deputy; and like proceſs to be made by the Chamberlain, *&c.* to the Sheriff of *Cheſter*; the Election to be made under like Form as is uſed within the County Palatine of *Lancaſter*, or any other County and City where ſhall be Knights and Burgeſſes of Parliament." See Stat. 18 *Geo.* 2. *c.* 18. *ſect.* 12.

By Stat. 10 *Ann. c.* 23. *ſect.* 7. "The Sheriff of the County Palatine of *Cheſter*, againſt every Election of Knights of the Shire, ſhall cauſe ſeven Tables, and no more, to be made at the Coſts of the Candidates, within the Shire Hall of the County, for taking the Poll, *viz.* Two at the upper End, Two at each Side, and One at the lower End of the Hall."

2. *Durham*.

By Stat. 25 *Car.* 2. *c.* 9. "The County Palatine of *Durham* may have two Knights for the County, and the City of *Durham* two Citizens to be Burgeſſes for the ſame City, to ſerve in Parliament, to be elected by Writ awarded to the Lord Biſhop of *Durham*, or his Chancellor of the County, and Precept thereupon by the Lord Biſhop, or his temporal Chancellor to the Sheriff; the Elections of the Knights to be made by the greater Number of Freeholders, as in other Counties, and the Elec-

tion of Burgeſſes for the City of *Durham*, to be made by the major Part of the Mayor, Aldermen, and Freemen, which Knights and Burgeſſes ſhall be returned by the Sheriff, into the Chancery, upon the like Pains as the Sheriffs of any other County." See Stat. 18 *Geo.* 2. *c.* 18. *ſect.* 32.

1. *The Qualifications of the Electors.*

The Reaſon of requiring any Qualification, with regard to Property, in Voters, is to exclude ſuch Perſons as are in ſo mean a Situation that they are eſteemed to have no Will of their own. If theſe Perſons had Votes, they would be tempted to diſpoſe of them under ſome undue Influence or other. This would give a great, an artful, or a wealthy Man, a larger Share in Election than is conſiſtent with general Liberty. If it were probable that every Man would give his Vote freely, and without Influence of any Kind, then, upon the true Theory and genuine Principles of Liberty, every Member of the Community, however poor, ſhould have a Vote in electing thoſe Delegates, to whoſe Charge is committed the Diſpoſal of his Property, and his Life. But, ſince that can hardly be expected in Perſons of indigent Fortunes, or ſuch as are under the immediate Dominion of others, all popular Eſtates have been obliged to eſtabliſh certain Qualifications; whereby ſome, who are ſuſpected to have no Will of their own, are excluded from voting, in order to ſet other Individuals, whoſe Wills may be ſuppoſed independent, more thoroughly upon a Level with each other.

And this Conſtitution of Suffrages is framed upon a wiſer Principle than either of the Methods of voting, by Centuries, or by Tribes, among the *Romans*. In the Method by Centuries, inſtituted by *Servius Tullius*, it was principally Property, and not Numbers that turned the Scale: In the Method by Tribes,

Tribes, gradually introduced by the Tribunes of the People, Numbers only were regarded, and Property intirely overlooked. Hence the Laws paſſed by the former Method had uſually too great a Tendency to aggrandize the Patricians or rich Nobles; and thoſe by the latter had too much of a levelling Principle. Our Conſtitution ſteers between the two Extremes. Only ſuch are entirely excluded, as can have no Will of their own: there is hardly a free Agent to be found, but what is entitled to a Vote in ſome Place or other in the Kingdom. Nor is comparative Wealth, or Property intirely diſregarded in Elections; for though the richeſt Man hath only one Vote at one Place, yet if his Property be at all diffuſed, he has probably a Right to vote at more Places than one, and therefore has many Repreſentatives. This is the Spirit of our Conſtitution: not that I aſſert it is in fact quite ſo perfect as I have here endeavoured to deſcribe it; for, if any Alteration might be wiſhed or ſuggeſted in the preſent Frame of Parliaments, it ſhould be in Favour of a more complete * Repreſentation of the People. *Black. Com.* 164, 165, 166.

As the Right and Qualifications of the Electors depend, for the moſt Part, on ſeveral Acts of Parliament, it will be neceſſary to point out thoſe Statutes as the ſureſt Rule to direct us in our Inquiries herein: Theſe Qualifications are to be conſidered as they regard,

* In many Caſes, Multitudes are bound by Act of Parliament, who are not Parties to the Election of Knights, Citizens, and Burgeſſes; as all they who have no Freehold, or have Freehold in ancient Demeſne; and all Women having Freehold, or no Freehold, and Men within the Age of twenty one Years, &c. 4 *Inſt.* 4, 5

1. *Knights of the Shire in particular;*
2. *Citizens and Burgeſſes in particular;*
3. *As they regard both Knights of Shires, Citizens and Burgeſſes.*

1. *Knights of the Shire in particular.*

By Stat. 8 *Hen.* 6. *c.* 7. 10 *Hen.* 6. *c.* 2. "The † Knights of the Shires ſhall be choſen by People dwelling * in the ſame Counties, whereof every one ſhall have free Land or Tenements to the Value of ‡ forty Shillings by the Year. And ſuch as

† The Knights of the Shires are the Repreſentatives of the Landholders, or landed Intereſt of the Kingdom: their Electors muſt therefore have Eſtates in Lands or Tenements within the County repreſented: theſe Eſtates muſt be Freehold, that is for Term of Life at leaſt, becauſe beneficial Leaſes for long Terms of Years were not in uſe at the making of Stat. 8 *Hen.* 6. *c.* 7. or Stat. 10 *Hen.* 6. *c.* 2. and Copyholders were then little better than Villains abſolutely dependant upou their Lord. *Black. Com.* 166.

* Stat. 1 *Hen.* 5. *c.* 1. *ſect.* 1. But this is entirely diſregarded. *Black. Com.* 169.

‡ This Freehold muſt be of forty Shillings annual Value: becauſe that Sum would then with proper Induſtry furniſh all the Neceſſaries of Life, and render the freeholder, if he pleaſed, an independant Man. For Biſhop *Fleetwood* in his *Chronicon pretioſum*, written about ſixty years ſince, has fully proved forty Shillings in the Reign of *Hen.* 6. to have been equal to twelve Pounds *per Annum*, in the Reign of Queen *Anne*, and as the Value of Money is very conſiderably lowered ſince the Biſhop wrote, it may be fairly concluded from this and other Circumſtances, that what was equivalent to twelve in his Days is equivalent to twenty Pounds at preſent. *Black. Com.* 167. The Freeholders of the County, who can diſpend forty Shillings yearly, do give full and ſufficient Power to the Knights elected by them to ſerve in Parliament for themſelves, and for the Commonalty of the ſaid County. To this ſome have objected; why ſhould the Freeholders who have forty Shillings *per Annum*, bind all the reſt of the Inhabitauts of the County, who are as much

as have the greateſt Number of them that may expend forty Shillings by the Year, ſhall be returned by the Sheriffs, by Indentures * ſealed betwixt the Sheriffs and the Chooſers: And every Sheriff ſhall have Power to examine upon the Evangeliſts every Chooſer, how much he may expend by the Year. And if any Sheriff return Knights, contrary to the ſaid Ordinance, the Juſtices of Aſſizes ſhall have Power to inquire; and if by Inqueſt the ſame be found before the Juſtices, and the Sheriff be duly attainted, the Sheriff ſhall incur the Pain of One hundred Pounds, and alſo have Impriſonment by a Year, provided that he may not expend forty Shillings by the Year, ſhall in no wiſe be Chooſer of the Knights of Parliament; and in every Writ to chooſe Knights for the Parliament, Mention ſhall be made of the ſaid Ordinances."

much the Commonalty of the County as thoſe Freeholders are; and their Lives, Liberties and Eſtates as much ſubject to the Power and Acts of thoſe Knights, as the Freeholders who chooſe them; and therefore in Equity and Reaſon, all the reſt of the Commons of the County, as well as the Freeholders of forty Shillings *per Annum*, ought to have their Votes in the Election, and impowering of theſe Knights of the Shire, who repreſent and act for them? To this may be anſwered, before the Statute made in *Hen.* 6. time, which reſtrains the Electors to Freeholders of forty Shillings *per Annum*, all the Inhabitants, or at leaſt all the Freeholders of the County, had Votes in the Election; and they, according to Cuſtom and Law, chooſe only two Perſons to repreſent them in Parliament, and gave them full Power; who, with the reſt of the Members ſo impowered, made a Law reciting, "that by Reaſon of the outragious, and exceſſive Number of Electors, Manſlaughters, Riots, Batteries, and Diviſions did ariſe; to prevent which it was enacted, that none ſhould be Electors, but ſuch Freeholders as could expend forty Shillings *per Annum*." So this was by a Law, wherein their own Conſent was involved; and hath ſo continued for two hundred and thirty Years. And it was dangerous to change ſettled Laws made for good Order, and to prevent Miſchief. 2 *Mor. Whitel. on Govern. chap.* 77. *fol.* 90.

* For the Form of theſe Indentures, ſee Appendix, N°. XVI.

By Stat. 10 *Ann. c.* 23. *ſect.* 1. "Every Perſon who ſhall make any Conveyance in any fraudulent Manner, on purpoſe to qualify to give a Vote at the Elections of Knights of the Shire, (ſee 18 *Geo.* 2. *c.* 18. *ſect.* 5. 19 *Geo.* 2. *c.* 28. *ſect.* 4.) or being privy to ſuch Purpoſes, ſhall prepare the ſame; and every Perſon who by Colour thereof, ſhall give any Vote at any Election of Knights of a Shire, ſhall forfeit forty Pounds to any Perſon who ſhall ſue for the ſame; to be recovered with Coſts, in any of her Majeſty's Courts at *Weſtminſter*."

By *Sect.* 2. "No Perſon ſhall † vote for any Knight of a Shire within *England*, in Right of Lands, without ‡ having been in the actual Poſſeſſion of them, or for which ſuch Perſon ſhall have received the Rents or Profits, or be intitled to have received the ſame to the Value of forty Shillings to his own Uſe for one Year, before ſuch Election; unleſs ſuch Lands came to ſuch Perſons within the Time aforeſaid, by Deſcent, Marriage, Marriage Settlement, Deviſe, or Preſentation to ſome Benefice in a Church, or by Promotion to ſome Office. And if any Perſon ſhall vote in ſuch Election, contrary to the Meaning hereof, he ſhall forfeit * forty

† Or vote more than once. Stat. 18 *Geo* 2. *c.* 18. *ſect.* 5. 19 *Geo.* 2. *c.* 28. *ſect.* 4. See id. *ſect.* 13. and *p.* 8, 9.

‡ Stat. 18 *Geo.* 2. *c.* 18. *ſect.* 5.

* To any Candidate for whom ſuch Vote ſhall not have been given, and who ſhall ſue for the ſame, to be recovered by him, his Executors or Adminiſtrators, by Action of Debt, wherein no Eſſoign &c. ſhall be allowed; and in every ſuch Action the Proof ſhall lie on ſuch Perſon againſt whom the ſame is brought, unleſs the Fact whereon ſuch Action is grounded be the having polled more than once at the ſame Election. 18 *Geo.* 2. *c.* 18. *ſect.* 5. The ſame Proviſion is made by Stat. 19 *Geo.* 2. *c.* 28. *ſect.* 4. with reſpect to Perſons voting for a Member for any City or Town, being a County of itſelf in *England*, as is hereby made with reſpect to Perſons voting for Knights of a Shire. See 19 *Geo.* 2. *c.* 28. *ſect.* 13.

Pounds,

Pounds, one Moiety to the Poor of the Pariſh or Pariſhes where the Lands lie, and the other Moiety to the Perſon who ſhall ſue for the ſame in any of her Majeſty's Court at *Weſtminſter*.

By Stat. 18 *Geo.* 2. *c.* 18. *ſect.* 3. "No Perſon ſhall vote for the electing of a Knight of the Shire, to ſerve in Parliament in *England* and *Wales*, in Right of any Meſſuages, Lands, or Tenements, which have not been aſſeſſed towards ſome Aid granted to his Majeſty by a † Land-Tax, twelve Kalendar Months next before ſuch Election."

By *Sect.* 5. "No Perſon ſhall vote in any ſuch Election, without having a Freehold Eſtate in the County for which he votes, of the yearly Value of forty Shillings, over and above all Rents and Charges * payable out of the ſame.

By Stat. 31 *Geo.* 2. *c.* 14. *ſect.* 1. "No Perſon who holds his Eſtate by Copy of Court Roll, ſhall be intitled thereby to vote at the Election of any Knight of the Shire in *England* and *Wales*. And if

† Provided that this Act ſhall not reſtrain any Perſon from voting in Right of any Rents, or any Chambers in the Inns of Courts, or Inns of Chancery, or any Meſſuages or Seats belonging to any Officers, by reaſon that the ſame have not been uſually aſſeſſed to the Land-Tax; and that the acting Commiſſioners of the Land Tax, or three of them, at their Meetings for the reſpective Diviſions, ſhall ſign and ſeal one other Duplicate of the Copies of the reſpective Aſſeſſments after all Appeals determined, and the ſame deliver to the Clerks of the Peace for their reſpective Counties, to be kept amongſt the Records of the Seſſions, to which all Perſons may reſort and inſpect the ſame, paying Sixpence, and the ſaid Clerks of the Peace or their Deputies, ſhall give Copies of the ſaid Duplicates to any Perſon requiring the ſame, paying after the Rate of Sixpence for every three hundred Words. 18 *Geo.* 2. *c.* 18. *ſect.* 4.

* No public or parliamentary Tax, County, Church, or Pariſh Rate, or any other Tax to be aſſeſſed upon any County, or Diviſion ſhall be deemed any Charge, payable out of any Freehold Eſtate, within the Meaning of this Act. 18 *Geo.* 2, *c.* 18. *ſect.* 6.

any

any Perſon vote in any ſuch Election contrary to the Intent hereof, every ſuch Vote ſhall be void; and every Perſon ſo voting ſhall forfeit to any Candidate for whom ſuch Vote ſhall not have been given, and who ſhall firſt ſue for the ſame, fifty Pounds, to be recovered by him, his Executors and Adminiſtrators with Coſts, by Action of Debt, in any Court of Record at *Weſtminſter*, wherein no Eſſoign, &c. ſhall be allowed; and in every ſuch Action the Proof ſhall lie on the Perſon againſt whom ſuch Action ſhall be brought."

By *Sect.* 2. "It ſhall be ſufficient for the Plaintiff in any ſuch Action of Debt, to ſet forth in the Declaration, that the Defendant is indebted to him in the Sum of fifty Pounds, and to alledge the Offence for which the Action is brought, and that the Defendant hath acted contrary to this Act; without mentioning the Writ of Summons to Parliament, or the Return thereof: And upon Trial the Plaintiff ſhall not be obliged to prove the Writ of Summons to Parliament, or the Return thereof, or any Warrant to the Sheriff grounded upon any ſuch Writ of Summons."

By *Sect.* 3. "Provided, that every ſuch Action be commenced within nine Kalendar Months, next after the Fact upon which the ſame is grounded."

By *Sect.* 4. "All the Statutes of Jeofails ſhall extend to all Proceedings in any ſuch Actions."

By *Sect.* 5. "In Caſe the Plaintiff in ſuch Action diſcontinue or be nonſuited, or Judgment be given againſt him, the Defendant ſhall recover treble Coſts."

If a Man hath a Freehold in *ancient Demeſne*, he may elect. 4 *Com. Dig.* 287. *quere*, and ſee *p.* 5.

No Peer hath a Right to vote at Elections. 4 *Com. Dig.* 288.

If a Man, who hath a Right to vote for two, gives a ſingle Vote, he cannot afterwards give a

ſecond

ſecond Vote, for another; reſolved in a Committee, but the Conſideration of it poſtponed by the Houſe. 4 *Com. Dig.* 288.

2. *The Qualifications of the Electors in Cities and Boroughs in particular.*

The Electors * of Citizens and Burgeſſes are ſuppoſed to be the mercantile Part, or trading Intereſt of this Kingdom. But as Trade is of a fluctuating Nature, and ſeldom long fixed in a Place, it was formerly left to the Crown to ſummon, *pro Re nata*, the moſt flouriſhing Towns to ſend Repreſentatives to Parliament. So that as Towns encreaſed in Trade, and grew populous, they were admitted to a Share in the Legiſlature. But the Misfortune is, that the deſerted Boroughs continued to be ſummoned, as well as thoſe to whom their Trade and Inhabitants were transferred; except a few which petitioned to be eaſed of the Expence, then uſual, of maintaining their Members: Four Shillings a Day being allowed for a Knight of the Shire, and Two Shillings for a Citizen or Burgeſs; which was the Rate of Wages eſtabliſhed in the Reign of *Edward* III. Hence the Members for Boroughs now bear above a quadruple Proportion to thoſe for Counties; and the Number of Parliament Men is increaſed ſince *Forteſcue*'s Time, in the Reign of *Henry* the Sixth, from three Hundred to upwards of five Hundred, excluſive of thoſe for *Scotland*. The Univerſities,

* *Black. Com.* 168. By Stat 23. *Hen.* 6. *c.* 14. *ſect.* 1. Citizens are to be choſen by Citizens of the ſame Cities, and Burgeſſes by Burgeſſes of the ſame Boroughs. *But this muſt be underſtood with a great Latitude of Conſtruction; for in ſome Places,* FREEDOM, *in ſome* FREEHOLDS, *in ſome,* INHABITANCY, *&c. (and theſe greatly diverſified) and in ſome, two or more of theſe, give a Right of Election;* CHARTER *or* PRESCRIPTION *may give the Right.*

were

were in general, not impowered to ſend Burgeſſes to Parliament; though once, in 28 *Edw.* I. when a Parliament was ſummoned to conſider of the King's Right to *Scotland*; there were iſſued Writs, which required the Univerſity of *Oxford* to ſend up four or five, and that of *Cambridge* two or three of their moſt diſcreet and learned Lawyers for that Purpoſe. But it was King *James* the Firſt, who indulged them with a permanent Privilege to ſend conſtantly two of their own Body; to ſerve for thoſe Students who, though uſeful Members of the Community, were neither concerned in the landed nor the trading intereſt; and to protect in the Legiſlature the Rights of the Republic of Letters. The Right and * Qualification of Voters in Cities, Towns, and Boroughs, is various, depending intirely on the ſeveral Charters, Cuſtoms, and Conſtitutions of the reſpective Places, as have prevailed in them Time immemorial, which has occaſioned infinite Diſputes; though now by Stat. 2 *Geo.* 2. *c.* 24. *ſect.* 4. "Votes ſhall be deemed legal, which have been ſo declared by the laſt Determination in the Houſe of Commons, which Determination concerning any City, Borough, or Place, ſhall be final to all Purpoſes." And further,

By Stat. 3 *Geo.* 3. *c.* 15. "No Perſon whatſoever claiming as a Freeman, to vote at any Election of Members to ſerve in Parliament for any City, Town, Port or Borough, in *England*, *Wales*, and the Town of *Berwick upon Tweed*, where ſuch Voter's Right of Voting is as a Freeman only, ſhall be admitted to give his Vote at ſuch Election, unleſs ſuch Perſon ſhall have been admitted to the Freedom of ſuch City, *&c.* twelve Kalendar Months before the firſt Day of ſuch Election: And if any Perſon ſhall preſume to give his Vote as a Freeman, at any Election of Members to ſerve in

* *Bac. Abr.* 572.

Parli-

Parliament, contrary to the true Intent and Meaning of this Act; he ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds to him, her, or them, who ſhall inform and ſue for the ſame; and the Vote given by ſuch Perſon, ſhall be void and of no Effect."

By *Sect.* 2. "Nothing herein contained ſhall extend, or be conſtrued to extend to any Perſon intitled to his Freedom by Birth, Marriage, or Servitude, according to the Cuſtom or Uſage of ſuch City, Town, Port or Borough."

By *Sect.* 3. "If any Mayor, Bailiff, Town Clerk, or other Officer of any Corporation, or other Perſon whatſoever, ſhall willfully and fraudulently antedate, or cauſe to be antedated, any Admiſſion of any Freeman, ſuch Mayor, *&c.* ſhall for every ſuch Offence, forfeit and pay the Sum of Five hundred Pounds to him, her or them, who ſhall inform and ſue for the ſame."

By *Sect.* 4. "The Mayor, *&c.* of any Corporation, having the Cuſtody of, or Power over the Records of the ſame, ſhall upon the Demand of any Candidate, or his Agent, or any two Freemen, on the Payment of one Shilling, permit ſuch Candidate, Agent or Freeman, between the Hours of Nine in the Morning, and three in the Afternoon, at any Time before, and within one Month after any ſuch Election as aforeſaid, to inſpect the Books and Papers wherein the Admiſſion of Freemen ſhall be entered; and to have Copies or Minutes of the Admiſſion of ſo many Freemen as ſuch Candidate, Agent or Freemen ſhall think fit, upon Payment to ſuch Mayor, *&c.* a reaſonable Charge for writing the ſame; and ſuch Books and Papers ſhall, if demanded by ſuch Candidate, *&c.* be produced by ſuch Mayor, *&c.* at every Election, and be referred to, in Caſe any Diſpute ſhall ariſe touching the Right of any Perſon to give his Vote thereat: And

if

if ſuch Mayor, &c. ſhall refuſe, or deny ſuch Candidate, &c. the Inſpection of ſuch Books and Papers, or to have Copies or Minutes thereof, or ſhall refuſe or neglect to produce ſuch Books and Papers at any Election, if demanded, and paid for, in the Manner herein before ſet forth; ſuch Mayor, &c. ſhall for every ſuch Offence forfeit and pay the Sum of One hundred Pounds to him, her, or them, who ſhall inform and ſue for the ſame."

By *Sect.* 5. "All Forfeitures or Penalties laid or impoſed by this Act, ſhall be recovered, with full Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record at *Weſtminſter*; wherein no Eſſoign, &c. ſhall be allowed."

By *Sect.* 6. "No Perſon ſhall be liable to any Forfeiture, or Penalty, by this Act laid or impoſed, unleſs Proſecution be commenced within one Year after ſuch Forfeiture or Penalty ſhall be incurred."

By *Sect.* 7. "The Returning Officer ſhall read, or cauſe to be read openly, this Act, at the Time of Election of Members to ſerve in Parliament of Cities, Towns, Ports or Boroughs, where the Right of Election is in the Whole, or in Part, in Freemen as aforeſaid, immediately after the reading of the Act paſſed in the ſecond Year of his late Majeſty's Reign, intituled, *An Act for the more effectual preventing of Bribery and Corruption in the Elections of Members to ſerve in Parliament.*"

By *Sect.* 8. "Nothing in this Act ſhall extend, or be conſtrued to extend to the Cities of *London* or *Norwich.*"

By Common Right, in all Boroughs, the Election ought to be by all the Burgeſſes, where there is no Preſcription, or conſtant Uſage, Time out of Mind, &c. to the contrary. 4 *Com. Dig.* 288. and therefore, if the King grant to a Borough by Charter that a ſelect Number ſhall elect, this does

not

not take away the Right of the other Burgeſſes: ſo a By-law by the Corporation itſelf, that a ſelect Number ſhall elect, does not avail, 4 *Inſt.* 48.

3: *The Qualifications that regard both Knights of Shires, Citizens, and Burgeſſes, and herein of the Freedom of Election.*

In a Borough which hath no Charter, or Burgeſſes, nor any Cuſtom for it, the Election ſhall be by all the Houſholders, and not by Freeholders only. 4 *Com. Dig.* 288. But by original Grant or Cuſtom, an Election may be by a ſelect Number, 4 *Inſt.* 49. ſo by Cuſtom or Preſcription, it may be by Burgage Tenants. 4. *Com. Dig.* 288.

As the chief * Excellency of our Conſtitution, conſiſts in our being † bound only by ſuch Laws to which we ourſelves conſent; and ſuch Conſent cannot be given to every Individual in Perſon, but muſt be by Repreſentation, it is therefore ‡ eſſential to the very Being of Parliament, that Elections ſhould be abſolutely § free and indifferent, and that every Perſon claiming a Right to vote, be duly qualified, free from Corruption, or any undue Influence whatſoever Nothing ‖ more requires Freedom and Indifference, than this of Members to ſerve for us in Parliament; who have

* *Bac. Abr.* 572.

† It is one of the greateſt Privileges which a *Britiſh* Subject has, and therefore if he be hindered from voting, an Action on the Caſe will lie at Common Law. *Salk.* 20. 6 *Mod.* 45. 2 *R. Raym.* 938. 2 *Burn Hiſt.* O. T. 367. (See Ld. Ch. J. *Holt's* Arg. on this Subject, in his Life, 74, &c.) and accordingly adjudged in the Houſe of Lords.

‡ *Black. Com.* 172.

§ By the Common Law, all Elections ought to be free; and by ſeveral Statutes it is declared, that Elections of Members of Parliament ought to be free, particularly by 1 *W.* & *M.* Seſſ. 2. *c.* 2. *Bac. Abr.* 573. & 2 *W.* & *M. c.* 7. 4 *Com Dig.* 290.

‖ *Mor Whitel. on Govern. chap.* 42. *fol.* 383.

put into their Hands the Power of our Eſtates, of our Liberties, of our Lives; and therefore it is but Reaſon, that thoſe who are ſo much concerned in the Determination of the Perſons who ſhall be elected, may have a free and indifferent Choice of them.

For theſe Reaſons, all undue Influences upon the Electors are illegal, and ſtrongly prohibited. Mr. § *Locke* ranks it among thoſe Breaches of Truſt in the executive Magiſtrate, which, according to his Notions, amount to a Diſſolution of Government, "if he employs the Force, Treaſure, and Offices of the Society to corrupt the Repreſentatives, or openly to pre-ingage the Electors, or preſcribe what Manner of Perſons ſhall be choſen. For thus to regulate Candidates and Electors, and new model the Ways of Election, what is it, ſays he, but to cut up the Government by the Roots, and poiſon the very Fountain of public Security?" *Blatk. Com.* 172. For theſe Purpoſes therefore,

By Stat. 8. *Geo.* 2. *c.* 30. *ſect.* 1. "As often as any Election of any Member to ſerve in Parliament, ſhall be appointed to be made, the Secretary at War, or ſuch Perſon, who ſhall officiate in the Place of Secretary at War, ſhall, before the Day appointed for ſuch Election, ſend Orders in Writing for the Removal of every Regiment, Troop, or Company, or other Number of Soldiers quartered in any City, Borough, Town, or Place, where ſuch Election ſhall be to be made, one Day at leaſt before the Day appointed for ſuch Election, to the Diſtance of two Miles from ſuch City, *&c.* and not to make any Approach until one Day after the Poll ſhall be ended."

§ *On Govern. part.* 2. *ſect.* 222.

By

By *Sect.* 2. "In caſe the Secretary at War, or ſuch Perſon who ſhall officiate in the Place of Secretary at War, ſhall neglect to ſend ſuch Orders, and ſhall be thereof convicted upon any Indictment to be preferred at the next Aſſizes or Seſſions of *Oyer* and *Terminer*, for the County where ſuch Offence ſhall be committed, or on an Information to be exhibited in the Court of *King's Bench*, within ſix Months after ſuch Offence, ſuch Secretary at War, *&c.* ſhall be diſcharged from their Offices, and ſhall be diſabled to hold any Office or Employment in his Majeſty's Service."

By *Sect.* 3. "Nothing in this Act ſhall extend to the City of *Weſtminſter* or the Borough of *Southwark*, in reſpect of the Guards of his Majeſty; nor to any Place where his Majeſty, or any of his Royal Family, ſhall reſide, at the Time of ſuch Election, in reſpect of ſuch Troops only as ſhall be attendant as Guards to his Majeſty, or to ſuch other of the Royal Family as aforeſaid; nor to any Caſtle or fortified Place, where any Garriſon is uſually kept, in reſpect of ſuch Garriſon."

By *Sect.* 4. "Nothing in this Act ſhall extend to any Officer or Soldier, who ſhall have a Right to vote at ſuch Election."

By *Sect.* 5. "The Secretary at War, *&c.* ſhall not be liable to any Forfeiture for not ſending ſuch Order upon any Election on a Vacancy, unleſs Notice of the making out any new Writ ſhall be given to him by the Clerk of the Crown; which Notice he is required to give with all convenient ſpeed."

Riots have been frequently determined to make an Election void. *Black. Com.* 172. By Vote alſo of the Houſe of Commons, to whom alone belongs the Power of determining conteſted Elections, no Lord of Parliament, or Lord Lieutenant of a County, hath any Right to interfere in the

Election of the Commoners. These Reſolutions were made *Nem. Con.* 14 *Dec.* 1699. 13 *Feb.* 1700. 24 *Oct.* 1702. 4 *Com. Dig.* 288.

By Stat. 2 *Wil. & Mar.* Stat. 1. *c.* 7. *ſect.* 1. "Whereas the Lord Wardens of the *cinque Ports*, have claimed, as of Right, a Power of nominating to each of the *cinque Ports*, the two ancient Towns and their Members, one Perſon whom they ought to elect as a Baron or Member of Parliament, contrary to the ancient Uſage and Freedom of Elections."

By *Sect.* 2. "It is declared that all ſuch Nominations are contrary to Law and void."

By Stat. 5 & 6. *Wil.* & *Mar. c.* 20. *ſect.* 48. "No Collector, Surviſor, Gauger or other Perſon employed in the collecting or managing the Duties of Exciſe, ſhall by Word, Meſſage, or Writing, or in any other Manner, endeavour to perſuade any Elector to give, or diſſuade any Elector from giving his Vote for the Choice of any Knight, Citizen, Burgeſs, or Baron, to ſerve in Parliament, and every Perſon offending herein ſhall forfeit One Hundred Pounds, one Moiety to the Informer, and the other Moiety to the Poor of the Pariſh, to be recovered by any Perſon who ſhall ſue for the ſame in any of his Majeſty's Courts at *Weſtminſter*; and every Perſon convicted on any ſuch Suit ſhall become diſabled of bearing any Office relating to the Duty of Exciſe, or any other Place of Truſt under their Majeſties."

By Stat. 12 & 13 *W.* 3. *c.* 10. *ſect.* 91. "No Commiſſioner, Collector or other Perſon, concerned in collecting or managing the Cuſtoms, ſhall by Words, Meſſage, Writing, or in other Manner endeavour to perſuade any Elector to give, or diſſuade him from giving, his Vote for the Choice of any Knight of the Shire, Citizen or Burgeſs; and every Perſon offending therein ſhall forfeit one Hundred

Hundred Pounds, one Moiety to the Informer, the other to the Poor of the Pariſh, to be recovered in any of his Majeſty's Courts at *Weſtminſter*; and every Perſon convicted on ſuch Suit ſhall become diſabled of ever bearing any Office relating to the Cuſtoms, or any other Place of Truſt under his Majeſty."

By Stat 10 *Ann. c.* 19. *ſect.* 182. "No Commiſſioner, Officer, or other Perſon concerned in the collecting or managing any of the Duties granted by this Act, (*viz*, Duties on Soap and Paper, printed Silk, *&c.* certain Stamp-duties, and additional Hackney-coaches,) ſhall by Word, Meſſage or Writing, or in other Manner, endeavour to perſuade any Elector to give, or diſſuade him from giving, his Vote for Choice of any Knight of the Shire, Citizen, Burgeſs, or Baron, for any County, *&c.* and every Perſon offending therein, ſhall forfeit one Hundred Pounds, one Moiety to the Informer, the other Moiety to the Poor of the Pariſh, to be recovered by any Perſon who ſhall ſue for the ſame in her Majeſty's Courts at *Weſtminſter*; and every Perſon convicted on ſuch Suit ſhall become diſabled of ever bearing any Office or Place of Ttuſt under her Majeſty."

Thus are the Electors of one Branch of the Legiſlature ſecured from any undue Influence from either of the other two, and from all external Violence and Compulſion. *Black. Com.* 772.

The following Statutes extend to all Sorts of Members, as well for Boroughs as Counties. *Black. Com.* 167.

By Stat. 7 & 8 *Will.* 3. *c.* 25. *ſect.* 7. "No Perſon ſhall have any Vote in electing Members, for any Truſt Eſtate or Mortgage, unleſs ſuch Truſtee or Mortgagee be in actual Poſſeſſion or Receipt of the Rents; but the Mortgagor, or *ceſtuique Truſt*, in Poſſeſſion, may vote for the

Eſtate. And all * Conveyances of any Hereditaments, in order to multiply Voices, or to ſplit the Intereſt in any Houſes or Lands among ſeveral Perſons, to enable them to vote at Elections of Members, are declared to be void, and no more than one Voice ſhall be admitted for one Houſe or Tenement."

By *Sect.* 8. "No Perſon under the Age of twenty-one Years, ſhall be admitted to give his Vote for Election of any Member."

By Stat. 2 *Geo.* 2. *c.* 24 *ſect.* 6. "No Perſon convicted of wilful and corrupt Perjury, or Subornation of Perjury, ſhall be capable of voting in any Election of a Member to ſerve in Parliament."

By Stat. 3 *Geo.* 3. *c.* 24. *ſect.* 1. "No Perſon ſhall vote for any Knight of a Shire, Citizen, or Burgeſs for *England*, in reſpect of any Annuity or Rent-charge iſſued out of Freehold Lands or Tenements, and granted before the firſt Day of *June*, 1763, unleſs a † Certificate upon Oath, ſhall have been entered twelve Kalendar Months at leaſt, before the firſt Day of Election, with the Clerk of the Peace for the County, Riding, or Diviſion, or with the Clerk of the Peace, Town-clerk, or other public Officer, having the Cuſtody of the Records within any City or Town, having the Cuſtody of Records therein."

By *Sect.* 2. "No Perſon ſhall vote for any Knight of a Shire, Citizen or Burgeſs, for *England* in reſpect of any Annuity or Rent-charge iſſuing out of Freehold Lands, Tenements, or

* All Conveyances to qualify Perſons for voting ſhall be againſt thoſe who executed the ſame free and abſolute; and all Securities or Agreements for redeeming or defeating ſuch Eſtates, or for the Reconveyance thereof, ſhall be void. Stat. 10 *Ann. c.* 23. *ſect.* 1.

† See Appendix, N°. XXVIII.

Here-

Hereditaments, which ſhall come to ſuch Perſon by Deſcent, Marriage, Marriage-ſettlement, Deviſe, or Preſentation to a Benefice in Church, or Promotion to an Office, within twelve Kalendar Months next before ſuch Election reſpectively, unleſs a † Certificate upon Oath, or Affirmation, if a Quaker, ſhall have been then entered with the Clerk of the Peace, Town-clerk, or other Officer as aforeſaid, before the firſt Day of ſuch Election."

By *Sect.* 3. "No Perſon ſhall vote for a Knight of the Shire, citizen or Burgeſs, within *England*, in Reſpect of any Annuity or Rent-charge to be granted after the ſaid firſt Day of *June*, 1763, unleſs a Memorial of the Grant of ſuch Annnuity or Rent-charge ſhall have been regiſtered with the Clerk of the Peace, Town-clerk, or other public Officer, having the Cuſtody of the Records, where the Lands, *&c.* out of which Annuity or Rent-charge iſſues, ſhall be, twelve Kalendar Months at leaſt before the firſt Day of ſuch Election, which Memorial ſhall be wrote on Parchment, and directed to ſuch Clerk of the Peace, Town-clerk or other public Officer, and ſhall be under the Hand and Seal of the Grantor or Grantors, and atteſted by two Witneſſes, one whereof to be one of the Witneſſes to the Execution of ſuch Grant; which Witneſs ſhall upon Oath before ſuch Clerk of the Peace, *&c.* as aforeſaid, or their Deputies, prove the ſealing and delivering of ſuch Grant, and the ſigning and ſealing of ſuch Memorial; which Memorial ſhall contain the Day and Year of the Date, and the Names, Additions, and Abodes, of the Parties and Witneſſes, and all the Lands and Tenements out of which the Annuity or Rent-charge iſſues, and the Pariſh, Townſhip or Place, *&c.* where ſuch Lands and Tenements lie; and that

† See Appendix. XXIX.

every ſuch Grant, of which ſuch Memorial is ſo to be regiſtered, ſhall at the Time of entering ſuch Memorial, be produced to ſuch Clerk of the Peace, *&c.* as aforeſaid, or their Deputies, who ſhall thereon indorſe a Certificate, in which ſhall be mentioned the Day and Year on which ſuch Memorial ſhall be ſo entered.

By *Sect.* 4. "No Perſon ſhall vote at any Election of a Knight of the Shire, Citizen or Burgeſs, in *England*, by reaſon of an Aſſignment of any Annuity or Rent-Charge, or any Part or Parts thereof, made before the ſaid firſt Day of *June*, 1763, unleſs a Certificate of ſuch Aſſignment upon Oath, to the Purport herein mentioned, with reſpect to an original Annuity or Rent-charge, ſhall have been entered with ſuch Clerk of the Peace, *&c.* as aforeſaid, twelve Kalendar Months at leaſt before the firſt Day of ſuch Election; and that no Perſon ſhall vote at any ſuch Election as aforeſaid, by reaſon of an Aſſignment of any Annuity or Rent-charge, or any Part or Parts thereof, made after the firſt Day of *June*, 1763, unleſs a Memorial of ſuch Aſſignment, and alſo a Memorial of the Grant of ſuch Annuity or Rent-charge of which ſuch ſhall be made, ſhall have been atteſted and regiſtered twelve Kalendar Months at leaſt before the firſt day of ſuch Election, in the ſame Manner as is herein before directed with reſpect to the Memorial of an original Grant of an Annuity or Rent-charge."

By *ſect.* 5. "The Clerk of the Peace, Town-clerk, or other Officer as aforeſaid, ſhall keep a Book or Books for entering of every ſuch Certificate or Memorial, and ſhall be allowed for the Entry of every ſuch Certificate the Sum of one Shilling, and of every ſuch Memorial Two Shillings and no more, and for every Search for any Certificate or Memorial one Shilling and no more; and any Perſon or Perſons may, at all ſeaſonable

Times,

Times, reſort to and inſpect the Certificates, Memorials and Books of Entries thereof: And ſuch Clerk of the Peace, *&c.* or other Officer as aforeſaid, or their Deputies, is hereby directed and required forthwith to give a Copy of any Certificate, or Memorial, to any Perſon or Perſons who ſhall deſire the ſame, paying for ſuch Copy, if it contains not more than two hundred Words, the Sum of Six-pence; and ſo in proportion for any greater Number of Words: and ſuch Clerk of the Peace, *&c.* or other Officer as aforeſaid, or his or their Deputies, is hereby impowered to adminiſter an Oath in all Caſes where an Oath is required by this Act; and true Copies of the aforeſaid Certificates and Memorials, atteſted by ſuch reſpective Clerks of the Peace, *&c.* or other Officer as aforeſaid, or their Deputies, ſhall at all Times be allowed and admitted as legal Evidence in all Caſes whatſoever."

By *Sect.* 6. "A Memorial of ſuch Grant or Aſſignment as ſhall be made and executed in any Place not within Forty Miles of the Office of the reſpective Clerk of the Peace, Town-clerk, or other Officer as aforeſaid, ſhall be entered and regiſtered by ſuch Clerk of the Peace, or his Deputies, in caſe an Affidavit ſworn, or Affirmation as a Quaker, before one of the Judges at *Weſtminſter*, or a Maſter in Chancery, ordinary or extraordinary, be brought with the ſaid Memorial to the ſaid Clerk of the Peace, *&c.* as aforeſaid, wherein one of the Witneſſes to the Execution of ſuch Grant or Aſſignment ſhall ſwear that he or ſhe ſaw the ſame executed; and the ſame ſhall be a ſufficient Authority to the Clerk of the Peace or his Deputy, to give the Party that brings ſuch Memoral a Certificate of the Regiſtering ſuch Memorial; which Certificate, ſigned by the ſaid Clerk of the Peace or his Deputies, ſhall be taken and allowed

as Evidence of the Regiſtry of the ſame Memorial in all Courts of Record whatſoever; any Thing herein contained to the contrary notwithſtanding."

By *Sect.* 7. "The Clerk of the Peace, Town-clerk, or other Officer, as aforeſaid, ſhall, upon reaſonable Notice, attend at any Election with the Book or Books of Entries of every Certificate and Memorial, at the Requeſt of any Candidate, making him reaſonable Satisfaction for ſuch Attendance."

By *Sect.* 8. "If any Clerk of the Peace, Town-clerk, or other Officer as aforeſaid, ſhall be guilty of any wilful Neglect, Miſdemeanor, or fraudulent Practice, contrary to the true Intent and Meaning of this Act; every ſuch Clerk of the Peace, ſhall for every ſuch Offence, forfeit one Hundred Pounds to the Perſon who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint or Information, in any of his Majeſty's Courts of Record at *Weſtminſter*, whereon no Eſſoign, Protection, Wager of Law, or more than one Imparlance ſhall be allowed.".

By *Sect.* 9. "No Perſon ſhall be liable to any Forfeiture or Penalty by this Act laid or impoſed, unleſs Proſecution be commenced within twelve Months after ſuch Forfeiture or Penalty ſhall be incurred."

2. The Qualifications of the elected.

1. *Of Knights of the Shire in particular.*
2. *Of Citizens & Burgeſſes in particular.*
3. *Of both Knights of Shires, Citizens & Burgeſſes.*

1. *Knights*

1. *Knights of the Shire.*

By Stat. 1 *Hen.* 5. *c.* 1. *ſect.* 1. "The Knights of Shires ſhall not be choſen, unleſs they be reſient * within the Shire the Day of the Date of the Writ of Summons, and Knights returned contrary hereto ſhall loſe their Wages. 8 *Hen.* 6. *c.* 7. *ſect.* 1."

In the Debates of the Houſe of Commons on theſe Statutes, in the Year 1620, it was argued that though they did direct the Sheriff, that ſuch one be choſen as was reſident, yet did they not make void the Election made duly otherwiſe; that the Intent and Meaning of the Law concerning Reſidency was, that the Party elected ſhould have Freehold; that there was no negative Word in the Statute to make void an Election of one who was not reſident.

Sir *Edward Coke* ſaid, there were Matters of Direction and Concluſion in the Statutes, that Non-reſidency was but a Matter of Direction.

That there was in 6 *Hen.* 4. a Parliament called *Parliamentum Indoctorum*, wherein there were no Burgeſſes, but ſuch as lived in the Towns, and no Knights of Shires, but ſuch as lived in the Counties, and amongſt them neither Lawyer nor learned Men.

That if either Burgeſs or Knight of the County be non-reſident, he could recover no Charges or Wages of the Borough or County for which he ſerved, as otherwiſe by Law he might. *Debates of the Commons*; *Oxf. edit.* 1761. *p.* 63.

By Stat. 23 *Hen.* 6. *c.* 14. *ſect.* 3. Knights of Shires ſhall be notable Knights of the Counties, or

* But this is intirely diſregarded. *Black. Com.*

ſuch notable Eſquires and Gentlemen of * Birth of the ſame Counties, as ſhall be able to be Knights; and no Man to be a Knight, who ſtandeth in the Degree of a Yeoman."

2. *Citizens & Burgeſſes.*

By Stat. 1 *Hen.* 5. *c.* 1. "The Citizens and Burgeſſes of Cities and Boroughs, ſhall be choſen Men, † reſient and free in the ſame Cities and Boroughs, and no others."

3. *Knights of the Shire, & Citizens & Burgeſſes, and herein of Bribery and Corruption.*

What follows ſeems to relate to the Qualifications of Members for Counties, as well as for Cities and Boroughs.

A Knight ‡ Banneret, or any other under the Degree of a Baron, may be elected. 4 *Inſt.* 46, 47. *Bac. Abr.* 576.

One under the Age of twenty-one Years is not § eligible. *Black. Com.* 169. *Bac. Abr.* 576. 4 *Inſt.* 47. *ſtat.* 7 & 8 *W.* 3. *c.* 25. *ſect.* 8.

* *Ruffhead's* Edition.

† *Whitel, on Gov. c.* 102 *fol.* 370. *Crompt. Juriſdict.* 3, but this is intirely diſregarded. *Black. Com.* 169. and it ſeems to be obſolete, and rendered leſs neceſſary, by Stat. 9. *Ann. c.* 5. which ſee.

‡ A modern Authority ſays, that a Knight Banneret can be of neither Houſe of Parliament; for no one under the Degree of an *Engliſh* Baron, can be of the higher Houſe; and a Knight Baronet is too high to ſerve in the lower Houſe, as a Knight of the Shire, or a Burgeſs of a Town. *Debates in the Commons, Oxf. edit.* 1766. *p.* 26.

§ Neither can any Lord of Parliament ſit in the Houſe of Peers, until he be of the full Age of twenty-one Years. *Bac. Abr.* 576.

None of the † Judges of the *King's Bench, Common Pleas*, or Barons ‡ of the *Exchequer*, who have judicial ‖ Places can be choſen. *Bac. Abr.* 576. 2 *Mor. Whitel. on Govern. chap.* 102, *fol.* 370.

None of the Clergy § can be elected, for they ſit in the Convocation. *Bac. Abr.* 576. *Black Com.* 169. *Mo.* 783.

A Perſon attainted of ** Treaſon or Flony, is not eligible. 2 *Mor. Whitel. on Govern. chap.* 102. *fol.* 370. for he ought, according to the Writ, to be *magis idoneus & ſufficiens. Bac. Abr.* 576. Such a Perſon is unfit to ſit any where. 4 *Inſt.* 47.

Perſons outlawed after Judgment, or before, in a civil Action, *Ander.* 193. nor Perſons taken in Execution upon a Judgment, can be elected to Parliament, *Mo.* 57.

Nor can an Alien, or, if he be elected, he ſhall not †† ſit though made a denizen; but when ‡‡ naturalized he may. 4 *Inſt.* 17. *ſtat.* 11 & 12. *W.* 3. *c.* 2. *ſect.* 3.

† Becauſe they ſit in the Lords Houſe. *Black. Com.* 169. 2 *Mor. Whitel. on Govern. chap.* 102. *fol.* 370.

‡ Yet *Thorp*, a Baron of the *Exchequer*, was Speaker to the Commons. 31 *Hen.* 6. 4. *Com. Dig.* 285

‖ But any who have judicial Places in the Court of Wards, Court of Dutchy, or other Courts eccleſiaſtical, or civil, are elegible. *Bac. Abr* 576.

§ Though they be of the inferior Order. 4 *Com, Dig.* 285.

** *Temp. Hen.* 7. "Perſons outlawed for Treaſon could not come into Parliament, till their Attainders were reverſed. 4 *Com. Dig*, 285." Lord *Bac. Hiſt. Hen.* 7. *p.* 13.

†† For to have a Power of making Laws, it is neceſſary that he ſhould be totally received into Society, which he cannot be without the Conſent of Parliament. *Bac. Abr.* 576.

‡‡ By Stat. 1 *Geo. ſt.* 2 *c.* 4. *ſect.* 1. "The Clauſe in the Act of 12 *W.* 3. c. 2. whereby it is enacted, that no Perſon born out of the Kingdom, though he be naturalized, except ſuch as are born of *Engliſh* Parents, ſhall be capable to be a Member of either Houſe of Parliament; ſhall not extend to diſable any Perſon who at, or before his Majeſty King *George* the Firſt's Acceſſion to the Crown, was naturalized; but

Sheriffs ‡ of Counties, and Mayors, and Bailiffs

but by *Sect.* 2. of the ſame Act, no Perſon ſhall be naturalized, unleſs in the Bill exhibited for that Purpoſe, there be a Clauſe to declare, that ſuch Perſon ſhall not be enabled to be a Member of either Houſe of Parliament. See alſo Stat. 13 *Geo.* 2. *c.* 7. *ſect.* 6. 20 *Geo.* 2. *c.* 44. *ſect.* 5. 22 *Geo.* 2. *c.* 45. *ſect.* 10. 2 *Geo.* 3. *c.* 25. *ſect.* 3.

‡ In the Parliament 2 *Char.* 1. the Caſe of Sir *Edward Coke* was much debated in the Houſe; who being Sheriff for *Bucks*, was choſen one of the Knights for *Norfolk*; and whether, by this Clauſe of *Nolumus* in the Writ, he were uncapable of ſitting as a Member of the Houſe of Commons, was the Queſtion; and much debated, both at the Committee, and in the Houſe, with Difference of Opinion; yet Sir *Edward Coke*, *de Facto*, did ſit in that Parliament. Upon Search of the Records it appeared, that there was not any Mention of this Clauſe of *Nolumus*, in the Writ, until 13 *Edw.* 3. when a great Aid was required, by Reaſon of War with *France*. The Commons prayed, that Writs be ſent, that the "Worthieſt of Knights be choſen; and that Sheriffs be left out." 2 *Mor. Whitel. on Govern. chap.* 99. *fol.* 357. The Commons upon the aforeſaid Aid being demanded, were careful that the beſt Men ſhould be choſen Knights of Shires, who might not be too forward to grant greater Aids than were neceſſary; and therefore, petitioned that Sheriffs might not be choſen: Beſides this, there ſeems to have been a Diſguſt both of the Commons and of the great Men againſt Sheriffs, who, as Miniſters, execute the Proceſs of Law upon them, who before 46 *Edw.* 3. had been uſually admitted to be Members of the Parliament. 2 *Mor. Whitel. chap.* 100. *fol.* 360 Two Things are objected, principally, againſt the Election of a Sheriff to be a Knight of the Shire; 1. The Ordinance 46 *Edw.* 3. 2. The *Nolumus* in the Writ. For the Ordinance, it was objected to be a binding Law; as the Courſe was, in thoſe Times; and, agreeable to the Laws of *England*, by which the Sheriff is a Conſervator of the Peace; and by whom many things are to be done, which cannot be done by Deputy. And the Office of a Sheriff, and of a Knight of the Shire, together are incompatible. For a Sheriff ought to reſide in his County, whereof he hath the Cuſtody, and ought to be conſtantly preſent to conſerve the Peace of it, and to reſiſt and ſuppreſs any Invaſion, or Inſurrection; and a Parliament-Man ought to attend in Parliament, But a Sheriff, being a Knight of the Shire, cannot be preſent in both Places; nor execute both Duties. A Sheriff is alſo a Judge, his Power is judicial; and in ſuch Matters he cannot execute his Office by Deputy, nor ſupply both theſe Employments.

Therefore

of Boroughs, are not eligible in their reſpective

Therefore the Ordinances, forbidding his Election, is according to Law. That Sir *Edward Coke* himſelf made Ordinances equal with Acts of Parliament; and that it is a Queſtion, whether all Acts were not ſo, at that Time? To this it was anſwered, that clearly there was a Difference between an Ordinance, and an Act of Parliament; and this Difference appears, in that an Ordinance was enacted, from thenceforth, to be an Act of Parliament. If this Ordinance had the Force of a Law, it was to no Purpoſe to have any of the Commons in Parliament; for this Ordinance being made without them, as appears by the Roll, if it were nevertheleſs a binding Law, there would be no Uſe of the Commons in Parliament. About the Time of this Ordinance, which, if it had been a binding Law, how came it to paſs that Lawyers, as well as Sheriffs, have not been ever ſince excluded the Parliament; and comprehended, as well as Sheriff, in the *Nolumus?* which they have not been, nor the Sheriffs themſelves, in ſome times. But this point was left as a clear Truth: That neither this nor any other Ordinance, is the ſame Thing with an Act of Parliament, or hath the ſame Force of Law in it. As to the Sheriff's reſiding in his County, the King doth uſually diſpenſe therewith: And the Election of him, to be a Knight of the Shire, takes him off from that Reſidence; and, by the old Law, ties him to an Attendance upon the Parliament. Nor is his judicial Office of a Sheriff, any more Hinderance to his Service in Parliament, than the Office of a Juſtice of Peace is, or of the Judges at *Weſtminſter*. 2. The ſecond Objection upon the *Nolumus* was inforced, as being a Clauſe and Words of Subſtance, not of Form; and conſtantly uſed, and obſerved ſince 46 *Edw.* 3. that Things long ſettled are not to be ſtirred. That there are divers Precedents where Sheriffs, being elected Parliament-Men, have been refuſed to be admitted, and new elections ordered; as Sir *Andrew Noel*'s Caſe, and Sir *George Selby*'s Caſe; the Caſe of Mayors of Towns, and others. To this was anſwered, that Sir *Andrew Noel* was choſen for the ſame County, whereof he was Sheriff; and Sir *George Selby* was Sheriff of Inheritance in another County. That as ſome Sheriffs have been excluded, ſo others have been admitted; and this Ordinance being no Act of Parliament, the *Nolumus*, in purſuance of it does not bind as a Law, and the longer it hath continued, the more injury hath been done to the Rights of the People, and to the Privilege of Parliament; which cannot be bound, but by a Law to which themſelves conſent; and that was not had, either to this Ordinance, or to the *Nolumus*.

2 *Mer.*

Juriſdictions, as being Returning Officers. *Hale of Parl.* 114. 4 *Inſt.* 48. *contra* as to Mayors.

A Mayor's making himſelf a Burgeſs of Parliament, and ſitting as ſuch, is contrary to an expreſs Order made the laſt Parliament, on a long and full Debate, that no Mayor of any Town ſhould ſerve as a Member of any Town, becauſe, by his Abſence, the Government of the Town could not be ſo well provided and kept; and alſo for that it lieth often in the Power of a Mayor, by a Faction, (whilſt he is in ſuch Authority) to make himſelf a Burgeſs of Parliament without the free Election of the Commons, which is contrary to the Liberty of every Freeman of any Corportion. *Debates of the Commons, Oxf. edit.* 1766. *p.* 213.

A Man of the Law following Buſineſs in the King's Court, ſhall * not be elected for Counties.

The King's Attorney-general ſhall never ſerve, although he be returned Knight of any Shire, or Burgeſs of any Town. *Debates of the Commons, Oxf. edit.* 1766. *p.* 26.

All under the Degree of a Peer may be elected. 4 *Inſt.* 47. As the Heir Apparent of a Peer. 4 *Inſt.* 48. *Bro. Abr. Tit. Parl. contra.*

Sir *Edward Coke* ſaid, that thoſe who were employed abroad, as Ambaſſadors, *&c.* were without Queſtion eligible, though abſent when they were choſen; for *Abſentia ejus, qui Reipublicæ Cauſa abeſt, non abeſt. Debates of the Commons, Oxf. edit.* 1766. *p.* 50.

2 *Mor. Whitel. on Govern. chap.* 100 *fol.* 367. See *Debates of the Commons, Oxf. edit.* 1766. *p.* 213. A Sheriff of one County, may be elected in another. 4 *Com. Dig.* 287. 4 *Inſt.* 48.

* *Cot. abr. Præf.* 7. But Lord *Coke* ſays, that every one profeſſing or practiſing the Common Law, though there was an Ordinance of the Peers in Parliament. 46 *Edw.* 3. *contra*, may be elected. 4 *Inſt.* 48.

The

The King by his Charter cannot exempt a Man from being elected, for ſuch Charter of Exemption is void. 4 *Inſt.* 49.

By Stat. 23 *Hen.* 6. *c.* 14. *ſect.* 3. "If any Knight, Citizen, or Burgeſs, returned by the Sheriff, ſhall after ſuch Return be put out, and another put in his Place, ſuch Perſon ſo put in the Place, if he take upon him to be Knight, Citizen, or Burgeſs at any Parliament, ſhall forfeit to the King one hundred Pounds and one hundred Pounds to the Knight, Citizen, or Burgeſs returned by the Sheriff, and put out; and the Knight, Citizen, or Burgeſs, ſo put out ſhall have an * Action of Debt for the ſame one hundred Pounds againſt ſuch Perſon put in in his Place, his Executors or Adminiſtators."

By Stat. 5 *W. & M. c.* 7. *ſect.* 57. "No Member of the Houſe of Commons ſhall be concerned, or any other in Truſt for him, in the collecting or making any of the Duties granted by this Act, *viz. Duties on Salt and an additional Exciſe*, or that ſhall be granted by any other Act of Parliament; except the Commiſſioners of the Treaſury, and the Officers and Commiſſioners for managing the Cuſtoms and Exciſe, not exceeding the preſent Number."

By Stat 11 & 12 *W.* 3. *c.* 2. *ſect.* 150. 12 & 13 *W.* 3. *c.* 10. *ſect.* 89. "No Member of the Houſe of Commons ſhall be capable of being a Commiſſioner or Farmer of the Duty of Exciſe upon Beer, *&c.* or a Commiſſioner for Appeals concerning the

* Muſt begin his Suit within three Months after the Parliament commenced; and if he do not, then he that will ſue, ſhall have an Action of the Debt of the ſame one hundred Pounds, againſt him, which is put in Place of him that is put out after Return, his Executors, or Adminiſtrators; and ſuch Proceſs ſhall be in the Actions aforeſaid, as in a Writ of Treſpaſs againſt the Peace at Common Law. *Sect.* 3.

ſaid

ſaid Duty, or controlling or auditing the Account of the ſaid Duty, or holding in his Name, or in Truſt for his Uſe, any Office or Employment touching the farming, collecting or managing, the ſaid Duty."

By *Sect.* 151. and 12 & 13 *W.* 3. *c.* 10 *ſect.* 90. "If any Member of the Houſe of Commons ſhall enjoy or execute any Office or Employment touching the farming, managing or collecting the ſaid Duty, or determining Appeals, or controlling or auditing the Accounts of the ſame, ſuch Perſon is declared incapable of ſitting, voting or acting, as a Member of the Houſe of Commons in ſuch Parliament."

By *Stat.* 13 *W.* 3. *c.* 6. *ſect.* 10. *and* 1 *Geo. Stat.* 2. *c.* 13. *ſect.* 16. "No Peer of this Realm ſhall vote or make his Proxy in the Houſe of Peers, or ſit there during any Debate, nor any Member of the Houſe of Commons ſhall vote in that Houſe, or ſit there during any Debate, after their Speaker is choſen, until ſuch Peer or Member ſhall take and ſubſcribe the Oath * of Abjuration."

By *Stat.* 13 *W.* 3. *c.* 6. *ſect.* 11. *and* 1 *Geo. Stat.* 2. *c.* 13. *ſect.* 17. "If any Peer or Member of the Houſe of Commons ſhall vote, or make his Proxy, not having taken the Oath and ſubſcribed the ſame, ſuch Peer or Member ſhall be adjudged a *Popiſh* † *Recuſant Convict*, and ſhall be diſabled to

* By Stat. 13 *W.* 3. *c.* 6. *ſect.* 10. "The Oath ſhall be made and ſubſcribed between nine in the Morning and four in the Afternoon, by every Peer at the Table in the Middle of the Houſe, before he takes his Place, and whilſt a full Houſe is there, with their Speaker in his Place; and by every Member of the Houſe of Commons, at the Table in the Middle of the Houſe, and whilſt a full Houſe is there ſitting, with their Speaker in the Chair. For the Form, ſee Appendix, N°. VII.

† To be a *Recuſant*, doth not neceſſarily imply the being a *Papiſt*; but a *Recuſant* is any Perſon who refuſes to go to Church, and worſhip God, after the Manner of the Church of *England*, a *Popiſh*

hold any Place of Profit or Truſt, civil or military, or to ſit or vote in either Houſe of Parliament, or make a Proxy in the Houſe of Peers, or to ſue any Action at Law, or to proſecute any Suit in Equity, or to be Guardian of any Child, or Executor or Adminiſtrator of any Perſon, or capable of any Legacy or Deed or Gift, and ſhall forfeit five hundred Pounds, to be recovered by him who ſhall ſue for the ſame, in any Court of Record at *Weſtminſter*."

By Stat. 2 & 3 *An. c.* 4. *ſect.* 22. 6 *An. c.* 35. *ſect.* 32. 7 *An. c.* 20. *ſect.* 21. 8 *Geo.* 2. *c.* 6. *ſect.* 37. "No Regiſter or his Deputy, ſhall be capable of being choſen a Member of Parliament."

By *Stat.* 6 *An. c.* 7 *ſect.* 25. "No Perſon who ſhall have in his own Name, or in Truſt for him, any new Office or Place of Profit under the Crown, which ſince the twenty-fifth of *October* One thouſand Seven hundred and Five, have been created, or hereafter ſhall have been created, nor any Perſon who ſhall be a Commiſſioner or Sub-commiſſioner of Prizes, Secretary or Receiver of Prizes, nor any Controller of the Accompts of the Army, nor any Commiſſioner of the Tranſports, nor any Commiſſioner of the Sick and Wounded, nor any Agent for any Regiment, nor any Commiſſioner for Wine Licences, nor any Governor or Deputy Governor of the Plantations, nor any Commiſſioner of the Navy employed in the Out-Ports, nor any Perſon having any Penſion from the Crown during Pleaſure, ſhall be capable of being elected, or of ſitting or voting as a Member of the Houſe of Commons."

a *Popiſh Recuſant*, is a *Papiſt* who ſo refuſeth; and a *Popiſh Recuſant Convict*, is a *Papiſt* legally convicted thereof. Many Authors who have wrote on this Subject, not attending to this Diſtinction, have fallen into Confuſion.

By *Sect.* 26. "If any Perſon being choſen a Member of the Houſe of Commons, ſhall accept of any Office or Profit from the Crown, his Election ſhall be void, and a new Writ ſhall iſſue for a new Election; provided that ſuch Perſon ſhall be capable of being again elected."

By *Sect.* 28. "Nothing herein ſhall extend to any Member of the Houſe of Commons, being an Officer in the Navy, or Army, who ſhall receive any new Commiſſion in the Army or Navy."

By *Sect.* 29. "If any Perſon hereby diſabled to ſit or vote in Parliament ſhall be returned for any County, *&c.* ſuch Election and return are declared to be void; and if any Perſon diſabled by this Act ſhall ſit or vote as a Member, ſuch Perſon ſhall forfeit five hundred Pounds to be recovered by ſuch as ſhall ſue for the ſame in *England*"

All the foregoing Clauſes in this Act were enacted before the Union by 4 *&* 5 *Ann. c.* 8.

By *Stat.* 9 *Ann. c.* 5 *ſect.* 1. "No Perſon ſhall be capable to ſit or vote as a Member of the Houſe of Commons for any County, City, Borough, or *cinque Port*, within *England*, *Wales* and *Berwick*, who ſhall not have an Eſtate, Freehold or Copyhold, for his own Life, or ſome greater Eſtate in Law or Equity for his own Benefit, in Lands or Hereditaments, over and above what will clear all Incumbrances that may affect the ſame, within *England*, *Wales*, and *Berwick*, of the reſpective annual Value hereafter limited, *viz.* the annual Value of ſix hundred Pounds for every Knight of a Shire, and of three hundred Pounds for every Citizen, Burgeſs, or Baron, of the *cinque Ports*; and if any Perſon who ſhall be elected or returned, as a Knight, Citizen, Burgeſs, *&c.* ſhall not at the Time of ſuch Election and Return be ſeiſed of, or intitled to, ſuch Eſtate, ſuch Election and Return ſhall be void."

By

By *Sect.* 2. "Nothing in this Act ſhall make the eldeſt Son, or Heir Apparent of any Peer, or of any Perſon qualified to ſerve as Knight of a Shire, uncapable of being elected."

By *Sect.* 3. "Nothing in this Act ſhall extend to either of the Univerſities."

By *Sect.* 4. "No Perſon ſhall be qualified within the Meaning of this Act, by Virtue of any Mortgage, whereof the Equity of Redemption is in any other, unleſs the Mortgagee ſhall have been in Poſſeſſion ſeven Years before his Election."

By *Sect.* 5. "Every Perſon, except as aforeſaid, who ſhall appear as a Candidate, or be propoſed to be elected, ſhall, upon reaſonable Requeſt (at the Time of ſuch Election, or before the Day prefixed in the Writ of Summons) by any other Candidate, or by any two Perſons having Right to vote at ſuch Election, take the Oath in Appendix, N°. XVII.

By *Sect.* 6. "In caſe ſuch Candidate is to ſerve for any City, Borough or *cinque Port*, then the Oath ſhall relate only to the Value of three hundred Pounds *per Annum*."

By *Sect* 7. "The Oath aforeſaid may be adminiſtred by the Sheriff or Under-ſheriff for any County, or by the Mayor, Bailiff, or other Officer, for any City, Borough or Port, to whom it ſhall appertain to take the Poll, or make the Return, or by any two Juſtices of Peace within *England*, *Wales* and, *Berwick*; and the ſaid Sheriff, *&c.* who ſhall adminiſter the Oath, are required to certify the taking thereof into *Chancery* or the *Queen's Bench*, within three Months, under Penalty of one hundred Pounds, one Moieny to the Queen, and the other Moiety to ſuch as will ſue for the ſame, to be recovered with Coſts in any of her Majeſty's Courts at *Weſtminſter*; and if any of the Candidates ſhall wilfully refuſe to take the Oath, the

Election and Return of ſuch Perſon ſhall be void."

By *Sect.* 8. "No Fee ſhall be taken for adminiſtring ſuch Oath, or making or filing the Certificate, except one Shilling for adminiſtring the Oath, and two Shillings for making the Certificate, and two Shillings for filing the ſame, under Penalty of twenty Pounds, to be recovered as aforeſaid."

By Stat. 1 *Geo. ſtat.* 2. *c.* 56. *ſect.* 1. "No Perſon having any Penſion from the Crown of any Term of Years, either in his own Name, or in Truſt for him; ſhall be capable of being elected a Member of the Houſe of Commons."

By *Sect.* 2. "If any Perſon who ſhall have ſuch Penſion, ſhall preſume to ſit or vote, he ſhall forfeit twenty Pounds for every Day in which he ſhall ſit or vote there, to him who ſhall ſue for the ſame in any of the Courts at *Weſtminſter*, with Coſts."

By 3 *Geo. c.* 8. *ſect.* 43. "No Member of the Bank, for any Thing in this Act contained, ſhall be diſabled from being a Parliament Man."

By 3 *Geo. c.* 9. *ſect.* 7. "No Governor, Sub-governor, Deputy-Governor, or Member of the *South Sea Company*, by Reaſon of his being a Member of the ſaid Company, or of any Matter or Thing in this Act contained, ſhall be now, or at any Time hereafter, diſabled from being or continuing, or from being elected, or ſerving as a Member of Parliament. But ſee 7 *Geo. ſtat.* 1. *c.* 28. *ſect.* 1. for diſabling Sub-Governors, *&c.* of the ſaid Company from ſitting or voting in Parliament for the future."

By Stat. 6 *Geo. c.* 18. *ſect.* 10. "No Perſon who ſhall be Governor, Director or other Officer belonging to the Corporations for Inſuring of Ships, *&c.* ſhall for that Cauſe only be diſabled from being a Member of Parliament."

By

By Stat. 15 *Geo.* 2. *c.* 22. *ſect.* 1. "No Perſon who ſhall be a Commiſſioner of the Revenue in *Ireland*, or Commiſſioner of the Navy or Victualling Offices, nor any Deputies or Clerks in any of the ſaid Offices, or in any of the Offices following, *viz.* the Office of Lord High Treaſurers, or the Commiſſioners of the Treaſury, or of the Auditor of the Receipt of his Majeſty's *Exchequer*, or of the Tellers of the *Exchequer*, or of the Chancellor of the *Exchequer*, or of the Lord High Admiral, or the Commiſſioners of the Admiralty, or of the Paymaſters of the Army, or of the Navy, or of his Majeſty's principlal Secretaries of State, or of the Commiſſioners of the Salt, or of the Stamps, or of Appeals, or of Wine Licences, or of Hackney Coaches, or of Hawkers and Pedlars, nor any Perſons having any Office, civil or military, within the Iſland of *Minorca*, or in *Gibraltar*, other than Officers having Commiſſions in any Regiment there only, ſhall be capable of being elected, or of ſitting or voting as a Member of the Houſe of Commons."

By *Sect.* 2. "If any Perſon hereby diſabled ſhall be returned as a Member to ſerve in Parliament, ſuch Election and Return are hereby declared void. And if any Perſon diſabled by this Act to be elected, ſhall preſume to ſit or vote as a Member of the Houſe of Commons, he forfeits twenty Pounds for every Day in which he ſhall ſit or vote in the ſaid Houſe, to ſuch Perſon who ſhall ſue for the ſame in any Court at *Weſtminſter*; and the Money ſo forfeited ſhall be recovered with Coſts by Action of Debt, *&c.* in which no Eſſoign, *&c.* ſhall be allowed; and ſhall from thenceforth be incapable of taking or holding any Office of Honour or Profit under his Majeſty."

By *Sect.* 3. "Nothing in this Act ſhall exclude the Treaſurer or Comptroller of the Navy, the Secretaries of the Treaſury, the Secretary to the Chancellor of the *Exchequer*, or Secretaries of the

Admiralty, the under Secretary to any of his Majeſty's principal Secretaries of State, or the Deputy Paymaſter of the Army, or to exclude any Perſon having any Office or Employment for Life, or for ſo long as he ſhall behave himſelf well in his Office."

By Stat. 33 *Geo.* 2. *c.* 20. *ſect.* 1. "Every Perſon (except as is herein after excepted) who ſhall be elected a Member of the Houſe of Commons, ſhall before he preſumes to vote in the Houſe of Commons, or ſit there during any Debate, after their Speaker is choſen, deliver in to the Clerk of the ſaid Houſe, at Table in the Middle of the Houſe, and whilſt the Houſe of Commons is there duly ſitting, with their Speaker in the Chair, an account * ſigned by ſuch Member, containing the Names of the Pariſhes, Townſhips or Precincts, and of the Counties in which the Lands or Hereditaments lie, whereby he makes out his Qualifications, declaring the ſame to be of the annual Value of ſix hundred Pounds above Reprizes, if a Knight of a Shire; and of the annual Value of three hundred Pounds above Reprizes, if a Citizen, Burgeſs, or Baron of the *cinque Ports* †: and ſhall at the ſame Time take and ſubſcribe the Oath." N° XVIII. of the Appendix.

And the Houſe of Commons is hereby impowered and required to adminiſter the ſaid Oath and Subſcription according to this Act to every Perſon duly demanding the ſame, immediately after ſuch Perſon ſhall have taken the Oaths of § Allegiance, ‡ Supremacy, and ‖ Abjuration, at the ſaid Table.

* For the Form ſee Appendix, N°. XIX.

† This ſomewhat balances the Aſcendancy which the Boroughs have gained over the Counties, by obliging the trading Intereſt to make Choice of Landed Men. *Black. Com.* 170.

§ See the Forms in Appendix, N°. III.

‡ Ibid. N°. IV. ‖ Ibid. N°. VII.

And

And the ſaid Oath and Subſcription ſhall be entered in a Parchment Roll, to be provided by the Clerk of the Houſe of Commons; and the Accounts ſo ſigned and delivered to the ſaid Clerk ſhall be filed and kept by him.

By *Sect.* 2. "If any Perſon elected to ſerve in any future Parliament as a Knight of the Shire, or as a Citizen, Burgeſs, or Baron of the *cinque Ports*, preſume to ſit or vote as a Member of the Houſe of Commons, before he has delivered in ſuch Account, and taken and ſubſcribed ſuch Oath, or ſhall not be qualified according to 9 *Ann. c.* 5. and this Act; his Election ſhall be void, and a new Writ ſhall be iſſued to elect another Member."

By *Sect.* 3. "Nothing in this Act ſhall extend to the eldeſt Son or Heir Apparent of any Peer, or of any Perſon qualified to ſerve as a Knight of a Shire, or to the Members for either of the Univerſities in *England*, or to the Members for *Scotland*."

3. *Bribery and Corruption.*

The firſt Inſtance that occurs of Election Bribery, was ſo early as 13 *Eliz.* when one *Thomas Longe* (being a ſimple Man, and of ſmall Capacity to ſerve in Parliament) acknowledged that he had given the returning Officer and others of the Borough of *Weſtbury*, four Pounds to be returned Member, and was for that Premium elected. But for this Offence the Borough was amerced, the Member was removed, and the Officer fined and impriſoned. But as this Practice hath ſince taken much deeper and more univerſal Root, it hath occaſioned the making of theſe wholeſome Statutes; to complete the Efficacy of which, there is nothing wanting but Reſolution and Integrity to put them in ſtrict Execution. *Black. Com.* 173.

By Stat. 7 *W.* 3. *c.* 4. *ſect.* 1. "No Perſon to be elected to ſerve in Parliament for any Place, after the *Teſte* of the Writ of Summons, or after the ordering of the Writs of Election upon the calling of any Parliament, or after ſuch Place becomes vacant in Time of Parliament, ſhall, before his Election, give or allow to any Perſon having Voice in ſuch Election any Money, Meat, Drink, Entertainment or Proviſion, or make any Preſent, Entertainment, or any Promiſe or Engagement, to give or allow any Money, *&c.* to any ſuch Perſon in particular, or to ſuch Place in * general, in order to be elected."

By *Sect.* 2. "Every Perſon ſo giving or allowing, promiſing or engaging, ſhall be diſabled upon ſuch Election to ſerve in Parliament for ſuch Place."

By Stat. 9 *Ann. c.* 5. *ſect.* 5. "Every Perſon who ſhall appear as a Candidate, or be propoſed to be elected, ſhall upon reaſonable Requeſt (at the Time of ſuch Election, or before the Day prefixed in the Writ of Summons) by any other Candidate, or by any two Perſons having a Right to vote, at ſuch Election, take the Oath." Nº. XVII. in the Appendix.

By *Sect.* 6. "In caſe ſuch Candidate is to ſerve for any City, Borough, or *cinque Port*, then the Oath ſhall relate only to the Value of three hundred Pounds *per Annum*."

By *Sect.* 7. "The Oaths aforeſaid may be adminiſtred by the Sheriff or Under-ſheriff for any County, or by the Mayor, Bailiff, or other Officer, for any City, Borough or Port, to whom it ſhall appertain to take the Poll, or make the Return, or by any two Juſtices of Peace within *England, Wales,*

* Treating a Corporation on the Day of Election is a Breach of this Statute. 4 *Com. Dig.* 287.

and

and *Berwick*; and the ſaid Sheriff, *&c.* who ſhall adminiſter the Oaths, are required to certify the taking thereof into *Chancery* or the *Queen's Bench* within three Months, under Penalty of one hundred Pounds, one Moiety to the Queen, and the other Moiety to ſuch as will ſue for the ſame, to be recovered with Coſts in any of his Majeſty's Courts at *Weſtminſter*; and if any of the Candidates ſhall wilfully refuſe to take the Oath, the Election and Return of ſuch Perſon ſhall be void."

By *Sect.* 8. "No Fee ſhall be taken for adminiſtring ſuch Oath, or making or filing the Certificate, except one Shilling for adminiſtring the Oath, and two Shillings for making the Certificate, and two Shillings for Filing the ſame, under Penalty of Twenty Pounds, to be recovered as aforeſaid."

Subject to theſe Reſtrictions and Diſqualifications, every Subject of the Realm is eligible of common Right. It was therefore an unconſtitutional * Prohibition, which was inſerted in the King's Writs, for the Parliament holden at *Coventry*, 6 *Hen.* IV. that no † Apprentice or other Man of the Law

* The Occaſion of which was this, the King, being in great Want of Money, and fearing that if the Lawyers were Parliament-Men, they would oppoſe his exceſſive Demands, and hinder his illegal Purpoſes (according to their Knowledge and Learning in the Laws, and publick Affairs;) to prevent this, iſſued forth Writs of Summons with the above Prohibition in them. Beſides this, there ſeems to have been a Diſguſt both of the Commons and of the great Men againſt Lawyers, as being an Hindrance to their Oppreſſions, by pleading the Right of Law, on behalf of their Clients. 2 *Mor. Whitel. on Govern. chap.* 100, *fol.* 360, 361.

† Poſſibly the Word *Apprentice* of the Law may have been an erroneous Manner of filling up the Contraction *ap. de la Ley*, which meant *appris de la Ley*, or "learned and verſed in the Laws," and not *Apprentice de la Ley*.—It is not probable that the Law, which was ſo liberally profeſſed in *England*, and which had ſuch noble Eſtabliſhment, according to *Fortescue's*

ſhould be elected a Knight of the Shire therein *; in Return for which, our Law-Books and † Hiſtorians have branded this Parliament with the Name of *Parliamentum Indoctum*, or the lack-learning Parliament; and Sir *Edward Coke* obſerves with ſome Spleen ‡, there was never a good Law made thereat. *Black. Com.* 170.

4. *The Manner of, & Proceedings at Elections.*

By Stat. 7 & 8 *W.* 3. *c.* 25. *ſect.* 1. "When any new Parliament ſhall be ſummoned, there ſhall be forty Days between the *Teſte* and Return of the Writs of § Summons, and the Lord Chancellor ‖ ſhall iſſue out the Writs for Election of Members, with as much Expedition as may be. And as well upon the calling a new Parliament, as in caſe of Vacancy during Parliament, the Writs ſhall be

teſcue's Account ſhould have borrowed, for one of their Degrees in *Science*, a Term of *Mechanics* and *Trade*. Obſerv. on Stat. 215.

* *Pryn.* on 4 *Inſt.* 13.

† *Speed Hiſt. Angl.* 458. *pl.* 35. *Walſingh.* A. D. 1405.

‡ 4 *Inſt.* 48.

§ The Writ for Summons or Election, ſhall have no material Alteration, or Addition, without Act of Parliament. 4 *Inſt.* 10. Before the Writ of Summons iſſues, the King gives a Warrant to the Chancellor, by Bill ſigned for iſſuing the Writs, *D'Ewes. Journ.* 2. [for the Form of the Warrant. ſee Appendix, N°. I. of the Writ, N°. II.] If the Perſon elected dies, or makes Election for another Place, the Speaker iſſues a Warrant to the Clerk of the Crown, upon a Motion, to make a Writ for another Election at the vacant Place; and it is the ſame if the Perſon elected accepts an Office, be made a Peer, *&c.* though there be a Petition depending for the Election at the ſame Place, if it be not againſt him who dies, *&c.* or, there was not any Candidate, but the Perſons who are returned. 4 *Com. Dig.* 283. The Writ of Summons ſhall be, *teſte* the King, or *teſte* the Chief Juſtice, or Guardian of the Realm. 4 *Inſt.* 6.

‖ By *Stat.* 10 G. 3. *c.* 41. *ſ.* 1. The Speaker, during the Receſs of Parliament, for more than twenty Days, is to iſſue out his

delivered to the Officer to whom the Execution thereof doth belong, and no other Perſon; and ſuch Officer upon Receipt of the Writ, ſhall upon the Back thereof, indorſe the Day he received the ſame, and forthwith make out the Precept to each Borough or Place; and within three * Days after Receipt of the Writ ſhall deliver ſuch Precepts to the proper Officer of every ſuch Borough, *&c.* and to no other Perſon; and ſuch Officer upon the Back of the Precept, ſhall indorſe the Day of the Receipt thereof, in the Preſence of the Party from whom he received ſuch Precept, and ſhall forthwith cauſe Public Notice to be given of the Time and Place of Election, and ſhall proceed to Election thereupon within eight Days after his Receipt of the Precept, and give four Days Notice at leaſt of the Day appointed for the Election."

By Stat. 10 *Ann. c.* 23. *ſect.* 8. "If any Quaker ſhall upon Election, if required by the Candidates, declare the Effect of the Oath *required of*

his Warrant to the Clerk of the Crown to make out new Writs for Electing Members in the Room of thoſe who ſhall happen to die, during ſuch Receſs, ſo ſoon as the Speaker ſhall have due Notice of their Deceaſe.

By *Sect.* 2. No Warrant ſhall iſſue, unleſs the Death of the Member ſhall be certified to the Speaker by two Members under their Hands; and by *Sect.* 3. after Receipt of ſaid Certificate, the Speaker ſhall cauſe [For the Form ſee Appendix, N°. 111.] Notice thereof to be inſerted in the Gazette, and ſhall not iſſue his Warrant till fourteen Days after Inſertion of ſuch Notice in the Gazette.

By *Sect.* 4. The Speaker is not authoriſed, unleſs the Return of the Writ, by virtue of which ſuch Member deceaſed was elected, ſhall have been brought into the Office of the Clerk of the Crown, fifteen Days before the End of the Seſſion of Parliament immediately preceding the Death of the Member.

* The proper Officer of the *cinque Ports* ſhall be allowed ſix Days, from the Receipt of ſuch Writ, for the Delivery of the Precept, according to the above Statute, 10 & 11. *W.* 3. *c.* 7. *ſect.* 2.

Electors upon his ſolemn Affirmation, ſuch Quaker ſhall be admitted to vote, and the Sheriff ſhall enter *affirmat* againſt the Name of ſuch Quaker; and in caſe ſuch Quaker ſhall be convicted of having wilfully, falſly and corruptly affirmed any Thing, which, if the ſame had been in the uſual Form, would have amounted to wilful and corrupt Perjury, ſuch Quaker ſhall incur the Penalties of wilful and corrupt Perjury."

By Stat. 2 *Geo.* 2. *c.* † 24. *ſect.* 1. "Upon every Election for any Member to ſerve for the Commons in Parliament, every Freeholder, Citizen, Freeman, Burgeſs, or Perſon having Right to * vote, ſhall, before he is admitted to Poll, take an Oath (or being a Quaker, made the ſolemn Affirmation) in caſe the ſame be demanded by either of the Candidates, or any two Electors. See Appendix N°. XI. And no Perſon ſhall be admitted to Poll till he has taken the Oath, if demanded, before the returning Officer or others legally deputed by him."

By *ſect.* 2. "If any Sheriff or other returning Officer ſhall admit any Perſon to be polled without taking ſuch Oath, *&c.* if demanded, ſuch returning Officer ſhall forfeit one hundred Pounds with Coſts; and if any Perſon ſhall vote without having firſt taken the Oath, *&c.* if demanded, he ſhall incur the ſame Penalty."

By *Sect.* 3. "Every Sheriff or other returning Officer, ſhall, immediately after reading the Writ or Precept for the Election, take and ſubſcribe the

† This Act is not confined only to Candidates and Perſons employed by them, but it extends to all Perſons whomſoever; the Words being as plain and as general as poſſible. *Andr.* 249.

* It might not be amiſs, if the Members elected were bound to take this Oath, as well as the Oath of Abjuration; which in all Probability would be much more effectual, than adminiſtering it only to the Electors. *Black. Com.* 173, 174.

Oath,

Oath, No. XXVII. of the Appendix; which Oath any Juſtice of Peace of the County, City, Corporation or Borough, where the Election ſhall be made, or in his abſence any Three of the Electors, are required to adminiſter; and the Oath ſhall be entered among the Records of the Seſſions."

By *Sect.* 5. "If any returning Officer, or Perſon taking the Oath, *&c.* ſhall be guilty of wilful Perjury, or of falſe affirming, and be thereof convicted, he ſhall ſuffer the Pains of wilful and corrupt Perjury."

By *Sect.* 7. "If any Perſon who ſhall claim a Right to vote in any ſuch Election, ſhall receive any Money or other Reward, or agree for any Money, Gift, Office, Employment, or other Reward, to give his Vote, or to forbear to give his Vote, in any ſuch Election; or if any Perſon ſhall, by any Gift or Reward, or by any Promiſe or Security for any Gift or Reward, corrupt or procure any Perſon to give his Vote, or to forbear to give his Vote; the Offender ſhall forfeit five hundred Pounds, to be recovered with Coſts; and any Perſon offending in the ſaid Caſes, after Judgment obtained againſt him in any Action of Debt, *&c.* or ſummary Action, or Proſecution, or being otherwiſe lawfully convicted, ſhall be for ever diſabled to vote in any Election of Members to ſerve in Parliament; and ſhall for ever be diſabled to hold or enjoy any Office or Franchiſe, as a Member of any City, Borough, or *cinque Port*." §

§ Bribery is within this Clauſe of the Statute, though the Party bribed do not forbear to vote, but votes contrary to his Engagement, and that the Party bribed did actually give or forbear his Vote, need not be alledged in the Declaration. See 3 *Bur. Rep.* 1236, 1338, 1588. *Wils. Rep. C. B.* 298. In an Action on this Clauſe of the Statute for bribing a Perſon to give his Vote, it is

By *Sect.* 8. "If any Perſon offending againſt this Act, ſhall within Twelve Months after ſuch Election, diſcover any other Perſon offending againſt this Act, ſo that the Perſon diſcovered be convicted, the Perſon diſcovering, and not having before been convicted, ſhall be † indemnified from all Penalties and Diſabilities which he ſhall then have incurred by any Offence againſt this Act."

By *Sect.* 9. "Every Sheriff or other Officer, to whom the Execution of any Writ or Precept for electing any Member ſhall belong, ſhall, at the Time of ſuch Election, immediately after the Writ or Precept, cauſe to be read before the Electors this Act, and the ſame ſhall alſo be read once every Year, at the Quarter Seſſions next after *Eaſter*, for any County or City; and at the Election of the Chief Mageſtrate in any Borough, Town Corporate, or *cinque Ports*."

By *Sect.* 10. "Every Sheriff, Under-ſheriff, and other Officer to whom the Execution of any Writ or Precept for the electing of Members doth belong, ſhall, for every wilful Offence contrary to this Act, forfeit fifty Pounds, to be recovered with Coſts."

By *Sect.* 11. "No Perſon ſhall be liable to any Incapacity or Penalty by this Act, unleſs Proſecution is commenced within two * Years after ſuch Incapacity, *&c.* ſhall be incurred, and carried on without Delay."

is not neceſſary to prove, that the Perſon bribed had a Vote. *Wils. Rep. C. B.* 397.

† In like Manner the *Julian* Law *de Ambitu*, inflicts Fines and Infamy upon all who were guilty of Corruption at Elections; but if the Perſon guilty convicted another Offender, he was reſtored to his Credit again. *Black. Com*, 173.

* No Perſon ſhall be liable to any Penalty by this Act, unleſs ſuch Perſon ſhall be legally arreſted, or ſerved with Proceſs, within two Years after any Offence againſt the ſaid Act committed; ſo as the Service of ſuch Proceſs be not prevented by ſuch Perſon abſconding. *Stat.* 9 *Geo.* 2. *c.* 38.

By

By Stat. 19 *Geo.* 2. *c.* 28. *ſect.* 1. "Every Perſon demanding to vote for the Election of any Member to ſerve in Parliament, for any City or Town, being a County of itſelf in *England*, in reſpect of any Freehold Eſtate of Forty Shillings a Year, ſhall, before he is admitted to Poll (if required by any of the Candidates, or other Perſon having a Right to vote) take the Oath (or being a Quaker, the Affirmation) No. XIII. of the Appendix; which Oath the Sheriff or Under-ſheriff, or ſuch ſworn Clerk as ſhall be by him appointed for taking the Poll, is to adminiſter: and in caſe any Perſon taking the ſaid Oath or Affirmation, ſhall thereby commit wilful Perjury, and be convicted; and if any Perſon corruptly procure or ſuborn any Perſon to take the ſaid Oath in order to be polled, whereby he ſhall commit wilful Perjury, and ſhall be convicted; they for every ſuch Offence ſhall incur ſuch Penalties as are inflicted by 5 *Eliz.* *c.* 9. and 2 *Geo.* 2. *c.* 25." See *poſt.* *p.* 51. in Notes.

By *Sect.* 13. "Nothing herein contained ſhall extend to any City or Town, being a County of itſelf, or to any Perſon, where the Right of voting for any Member of ſuch City or Town is in reſpect of Burgage Tenure; or where the Right of voting in reſpect of a Freehold, does not require the ſame to be of the yearly Value of Forty Shillings."

Theſe Proceedings I ſhall conſider as they effect,

1. *The Election of Knights of the Shire.*
2. *The Election of Citizens and Burgeſſes.*
3. *The Election for the City of* London.

1. *The*

1. *The Election of Knights of the Shire.*

A Writ goes to the Sheriff of every County in *England*, commanding him to cauſe two moſt fit and diſcreet Knights of his County, girt with Swords, to be choſen. *Co. Lit.* 109. *b.* 4 *Inſt.* 6. *Anno* 4 *Hen.* 3. a Writ of Summons was directed to the Sheriff of every County, that he cauſe to come two of the moſt lawful and diſcreet Knights of each County. *Dugd. Sum. Parl.* 3. *Cot. Abr. Præf.* 13. *b.* and from that Time the Counties of *Bedford*, *Berks*, *Bucks*, *Cambridge*, *Kent*, *Cornwall*, *Cumberland*, *Derby*, *Devon*, *Dorſet*, *York*, *Eſſex*, *Glouceſter*, *Hereford*, *Hertford*, *Huntingdon*, *Lancaſter*, *Leiceſter*, *Lincoln*, *Middleſex*, *Norfolk*, *Northampton*, *Northumberland*, *Nottingham*, *Oxford*, *Rutland*, *Salop*, *Somerſet*, *Southampton*, *Stafford*, *Suffolk*, *Surry*, *Suſſex*, *Warwick*, *Weſtmorland*, *Wilts*, and *Worceſter*, have ſent each of them two Knights. 4 *Com. Dig.* 284.

By Stat. 7 *Hen.* 4. *c.* 15. "The Elections of Knights of Shires ſhall be made as follows. *viz.* At the Meeting of the next County after Delivery of the Writ, Proclamation ſhall be made of the Day and Place of the Parliament, and that all who be preſent ſhall attend to the Election of their Knights; and then in full County they ſhall proceed to the Election * freely."

By Stat. 23 *Hen.* 6. *c.* 14. *ſect.* 2. "Every Sheriff that maketh not due Election of Knights in convenient Time, *viz.* every Sheriff in his full

* And by Stat. 1 *W. & M. Seſſ.* 2. *c.* 2. and *ſtat.* 2 *W. & M. c.* 7. "It is declared, that Elections to Parliament ought to be free." See *p.* 15.—Sir *Edward Coke* ſaid, though the Statute directs that the Election ſhould be free, yet never was there any Election, wherein Men did not labour their Friends

by

County between the † Hours of Eight and Eleven, before Noon."

By Stat. 7 & 8 *W.* 3. *c.* 25. *ſect.* 3. "Upon every Election of any Knight of the Shire, the Sheriff ſhall hold his County Court for the Election at the moſt public and uſual Place of Election, and where the ſame has moſt uſually been for forty Years, and ſhall there proceed to Election at the next County Court, unleſs the ſame fall out to be held within ſix Day after the Receipt of the Writ, or upon the ſame Day, and then ſhall adjourn the Court to ſome convenient Day, giving ‡ ten Days Notice of the Time and Place of Election."

It may be judged who are elected, by hearing of the Voices, or View of the Hands held up. *Pl. Com.* 123. 126. *a.* But if the Freeholders demand a Poll, the Sheriff ought not to refuſe it, for upon View, he cannot judge who have Freeholds, and he ought not to refuſe it, though the Party waives it; ſo, if the Party demand a Poll, he ought not to refuſe it. 4 *Inſt.* 48. and now by *ſtat.* 7 & 8 *W.* 3. *c.* 25. *ſect.* 3. in caſe the Election be not determined upon the View, but a Poll ſhall be required, the Sheriff or Under-ſheriff, with ſuch others as ſhall be deputed by him, ſhall forthwith proceed to take the Poll in ſome open Place or Places; the Sheriff or Under-ſheriff, or ſuch as he ſhall depute, ſhall appoint ſuch Number of Clerks as ſhall ſeem meet for taking thereof; which Clerks ſhall all take the Poll in the Preſence of the Sheriff, or his Under-ſheriff, or ſuch as he ſhall depute; and before they begin to take the Poll, every

by Letter, and Entreaty for their Voices. *Debates of the Commons, Oxf. edit* 1766 *p.* 23.

† But it is ſufficient, if the Election be begun between thoſe Hours 4 *Inſt.* 48.

‡ When the ounty Court falls out to be held within ſix Days after the Receipt of the Writ, or upon the ſame Day, no Sheriff ſhall adjourn ſuch Court for longer than ſixteen Days, by Stat. 18 *Geo.* 2. *c.* 18. *ſect.* 10.

Clerk ſhall, by the Sheriff or Under-ſheriff, be ſworn truly and indifferently to take the ſame, and to ſet down the Names of each Freeholder, and the Place of his Freehold, and for whom he ſhall poll, and to poll no Freeholder who is not ſworn, if required by the Candidates; and the Sheriff, *&c.* ſhall appoint for each Candidate ſuch one Perſon as ſhall be nominated by each Candidate to be Inſpector of every Clerk."

By *Sect.* 5. "The Sheriff, *&c.* or ſuch as he ſhall depute, ſhall proceed to Polling all the Freeholders preſent, and ſhall not adjourn the County Court to any other Place, without the Conſent of the Candidates, nor ſhall by any unneceſſary Adjournment protract the Election, but ſhall duly proceed from Day to Day."

By *Sect.* 9. "All County Courts for the County of *York*, or any other County Courts which uſed to be held on a *Monday*, ſhall be begun on a *Wedneſday*."

By *Sect.* 10. "The Sheriff of the County of *Southampton*, at the Requeſt of one of the Candidates for that County, ſhall adjourn the Poll from *Wincheſter*, after every Freeholder there is polled, to *Newport* in the Iſle of *Wight*."

By 10 *Ann. c.* 23. *ſect.* 5. "In taking the Poll, the Sheriff, or his Under-ſheriff and Clerks, ſhall enter, not only the Place of the Elector's Freehold, but alſo the Place of his Abode, and ſhall alſo enter *jurat* againſt the Name of every ſuch Voter who ſhall take the oath, (appointed by * 18 *Geo.* 2. *c.* 18.) and the Sheriff, or returning Officer, ſhall, within twenty Days after ſuch Election, deliver over upon Oath (which Oath the

* For the Form ſee Appendix, No. XII. which Oath the Sheriff or under Sheriff, or ſuch ſworn Clerk as ſhall be by him appointed for taking the Poll, is to adminiſter: And in caſe any Perſon taking the ſaid Oath or Affirmation, ſhall thereby commit wilful Perjury, and be convicted; and if any Perſon corruptly procure or ſuborn any Perſon to take the ſaid Oath in order

two next Juſtices of Peace, one of the *quorum*, are to adminiſter) unto the Clerk of the Peace, all the Poll-book of ſuch Elections, without any Alteration; and in ſuch Counties where there are more than one Clerk of the Peace, the original Poll-books to one of the Clerks of the Peace, and atteſted Copies thereof to the reſt, to be kept among the Records of the Peace."

In the *Radnorſhire* Election, the Sheriff ſwore a Clerk, and each of the Candidates had two others, and five Polls were taken, which were delivered to the Sheriff; who carried in that only which was taken by his Clerk, as being the original Poll, and the others only Checks, and inſiſted, that the above Clauſe of the Act in requiring all the Poll Books to be lodged, meant only in the Caſe where the Poll was going on at different Booths, and all the Books made but one Poll; but the Court of *King's Bench* held, that all the Books ought to have been carried in, and granted an Information againſt the Sheriff for not doing it.

N. B. Upon a Reference to Mr. Attorney General *Willes* and to Mr. *Stracy*, they reported for a *Noli Proſequi*, it not being wilful, if any Miſtake. 2 *Stra.* 1048.

By 10 *Ann c.* 23. *Sect.* 6. "The Sheriff of the County of *York* ſhall appoint ſeven Tables for

order to be polled, whereby he ſhall commit wilful perjury, and ſhall be convicted; they for every ſuch Offence ſhall incur ſuch Penalties as are inflicted by 5 *Eliz. c.* 9. & 2 *Geo.* 2. *c.* 25. 19 *Geo.* 2. *c.* 28. *ſect.* 1.

Note, the Puniſhment in 5 *Eliz c.* 9. [perpetuated by 29 *Eliz. c.* 5. 21 *Jam. c.* 28. *ſect.* 8.] is, for every Offence, to forfeit twenty pounds, half a Year's Impriſonment, and to be incapacitated to take an Oath till the Judgment be reverſed, and for want of twenty Pounds, to have their Ears nailed to the Pillory. *Sect.* 6, 7.

For Subornation of Perjury to forfeit forty Pounds, and be incapacitated, and for Want of forty Pounds, to ſtand an Hour in the Pillory. *Sect.* 3, 4, 5 Beſides the above Puniſhments, the Offender is liable to Tranſportation for ſeven Years; by *ſtat.* 2 *Geo.* 2. *c.* 25, perpetuated by 9 *Geo.* 2. *c.* 18.

taking the Poll upon any Election of Knight of the Shire, at the Coſts of the Candidates."

By 18 *Geo.* 2. *c.* 18. *ſect.* 7. "At every Election in *England* and *Wales*, the Sheriff, or in his Abſence the Under-ſheriff, or ſuch as he ſhall depute, ſhall appoint or erect, at the Expence of the Candidates, ſuch Number of Booths or Places for taking the Poll, as any of the Candidates ſhall, three Days at leaſt before the Commencement of the Poll, deſire; ſo as the ſame do not exceed the Number of Rapes, Laths, Wapentakes, Wards, or Hundreds within the ſaid County, and not exceeding in the Whole the Number of fifteen; and ſhall affix on the moſt Public part of each the Name of the Rape, *&c.* for which ſuch Booth is deſigned: and the Sheriff, *&c.* ſhall appoint a Clerk or Clerks at each Booth to take the Poll (who ſhall at the Expence of the Candidates be paid not exceeding one Guinea *per* Day, each Clerk) and the Sheriff or Under ſheriff ſhall alſo make out a Liſt for each Booth, of all the Towns, Villages, Pariſhes, and Hamlets, lying wholly or in part in the Rape, *&c.* for which ſuch Booth is deſigned; and ſhall upon Requeſt, deliver a Copy thereof to any of the Candidates, or their Agents, taking for each Copy two Shillings, and no more."

By *Sect.* 8. "No Sheriff, Under-ſheriff, or Clerk appointed to take the Poll at any of the ſaid Booths, ſhall admit any Perſon to vote for any Freehold Eſtate, ſworn to be at ſome Pariſh or Place not mentioned in the Liſt ſo made out for ſuch Booth, unleſs ſuch Eſtate lie in ſome Place not mentioned in any of the Liſts.

By *Sect.* 9. "The * Sheriff, or in his Abſence,

* *Sect.* 6, 8, 9, 10, 11 & 12, of *Stat.* 19 *Geo.* 2. *c.* 28. have the very ſame Regulations and Proviſions, and almoſt *verbatim*, with reſpect to Perſons voting for a Member for any City or Town, being a County of itſelf, as are made by *ſect.* 9. 12, 13, 14, 15 & 16, of the above abſtracted Act of 18 *Geo.* 2. *c.* 28, with reſpect to Perſons voting for Knights of the Shire.

the

the Under-ſheriff, or ſuch as he ſhall depute, ſhall at every ſuch Election, allow a Cheque-book for every Poll-book for each Candidate, to be kept by their reſpective Inſpectors, at every Place where the Poll ſhall be taken."

By *Sect.* 12. "In caſe any Sheriff or Under-ſheriff, who ſhall preſide at any Election of any ſuch Knight of the Shire in *England* or *Wales*, ſhall wilfully offend againſt this Act, he ſhall be proſecuted by Information or Indictment in the Court of *King*'s *Bench*, or in the Courts of Great Seſſions in *Wales*, or at the Seſſions for the County Palatine of *Cheſter*, *Lancaſter*, and *Durham*, or at the Aſſizes for the Place where ſuch Offence ſhall be committed, in which no *noli proſequi* or *ceſſet proceſſus* ſhall be granted."

By *Sect.* 13. "It ſhall be ſufficient for the Plaintiff, in any Action of Debt given by this Act, to ſet forth in the Declaration, that the Defendant is indebted to him in the Sum of and to alledge the particular Offence for which ſuch Action is brought, and that the Defendant hath acted contrary to this Act; without mentioning the Writ of Summons to Parliament, or the Return thereof: and it ſhall be ſufficient in any Indictment or Information for any Offence contrary to this Act, to alledge the particular Offence, and that the Defendant is guilty thereof, without mentioning the Writ of Summons to Parliament or the Return thereof: and upon Trial of any Iſſue in any Action, Indictment or Information, the Plaintiff, Proſecutor, or Informer, ſhall not be obliged to prove the Writ of Summons to Parliament, or the Return thereof, or any Warrant to the Sheriff grounded upon ſuch Writ of Summons."

By *Sect.* 14. "Every Action, Indictment, or Information given by this Act, ſhall be commenced

within nine Kalendar Months after the Fact upon which the ſame is grounded."

By *Sect.* 15. "All the Statutes of Jeofails ſhall extend to all Proceedings in any Action, Indictment, or Information given by this Act."

By *Sect.* 16. "In caſe the Plaintiff or Informer, in any Action, Indictment, or Information, given by this Act, diſcontinue or be nonſuited, or Judgment be given againſt him, the Defendant ſhall recover treble Coſts."

By Stat. 19 *Geo.* 2. *c.* 28. *ſect.* 7. "The Sheriff or Sheriffs of every City or Town, being a County of itſelf, and having a Right to elect a Member of Parliament, by Virtue of the Writ iſſuing out of *Chancery* without any Precept thereupon, in *England*, ſhall forthwith upon the Receipt of the Writ cauſe public Notice to be given of the Time and Place of Election; and proceed to Election within eight Days next after that of his Receipt of the Writ, and give three Days Notice thereof at leaſt, excluſive of the Day of the Receipt of the Writ, and of the Day of Election."

2. *The Election of Citizens & Burgeſſes.*

Members for Cities and Boroughs are choſen by Virtue of the King's Writ, and the Sheriff's Precept grounded thereupon, the Precept being directed to the Mayor or other returning Officer.

A Writ to the Sheriff of every County, commands that from * every City of his County, two

* *Anno* 49 *Hen.* 3. A Writ of ſummons was directed to the Citizens of *York*, and required them to ſend to Parliament two of the moſt diſcreet, liege, and worthy Citizens, *&c. Dugd. Sum. Parl.* 3. Citizens and Burgeſſes, were not afterwards ſummoned with the Knights of Shires to Parliament, till 23 *Edw.* 1. but the King ſent them Commiſſioners, who aſſeſſed, or levied upon them the ſame, or a greater Tax than was granted

Citizens. &c. *Co. Lit.* 109. *b.* 4 *Inſt.* and from * every Borough, two Burgeſſes of the moſt diſcreet and ſufficient be returned. *Co. Lit.* 110.

A Citizen is the moſt worthy, but his Election agrees in all Reſpects with the Election of a Burgeſs, by *Holt.* Ch. Juſt. 2 *Lord Raym.* 951. 6 *Mod.* 51.

The Election in a Borough is by Perſons who hold by Burgage Tenure, or by the Burgeſſes of a Corporation; the Right of a Vote for Electing Burgeſſes to Parliament is incident to every Burgage Tenure. The Election by the Burgeſſes of a Corporation is a perſonal Privilege given by Preſcription, or Charter, and is a Right veſted in the whole Corporation, to be exerciſed by every Member thereof. 6 *Mod.* 51, 52. Lord *Raym.* 951 *Salk.* 20. 3 *Salk.* 18.

3. *The Election of Citizens of* London.

By 11 *Geo. c.* 18. *ſect.* 1. "Upon every Election of Citizens to ſerve in Parliament for the City of *London*, the preſiding Officers ſhall in caſe a Poll be demanded by any of the Candidates, or two of the Electors, appoint Clerks to take the Poll in the Preſence of the preſiding Officer, and be ſworn by him, truly and indifferently to take the ſame, and to ſet down the Name of each Voter, and the Place of his Abode, and for whom he ſhall poll, and to poll no Perſon who ſhall not be ſworn, or being a Quaker, ſhall not affirm, according to

ed by Knights of Shires. *Brad. Treat. de Burg.* 25 to 32. *Dugdale* mentions the ſecond Summons, 22 *Edw.* 1. *Dugd. Sum. Parl.* 7.

* So it was done, *Anno* 49 *Hen.* 3. *Dugd. Sum. Parl.* 3. Burgeſſes were not afterwards ſummoned to Parliament till 22 or 23 *Edw.* 1. *Brad. Treat. de Burg.* 25, &c. *Dugd. Sum. Parl.* 7.

this Act: And every Perſon, before he is admitted to poll at any Election of Citizens to ſerve in Parliament, ſhall take * Oath, [N° X. of the Appendix] or being a Quaker, ſhall ſolemnly affirm the Effect thereof

By *Sect.* 2. "All Perſons having a Right to vote at ſuch Election ſhall (if required by any of the Candidates or any two of the Electors) take the Oaths in the Act of † 1 *Geo. ſtat.* 2. *c.* 13. *ſect.* 1. for the Security of his Majeſty's Perſon and Government, *&c.* or being a Quaker, affirm the Effect thereof; and the preſiding Officers at ſuch Elections, and ſuch ſworn Clerks, are impowered to adminiſter the above-mentioned Oath; and if ſuch preſiding Officer or Clerk offend in the Premiſes, he ſhall forfeit ſixty Pounds beſides Coſts."

By *Sect.* 3. "If any Perſon ſhall falſely and corruptly take the ſaid Oaths or Affirmations, and be thereof convicted by Indictment or Information, or if any Perſon ſhall corruptly procure or ſuborn any other Perſon to take the ſame, and ſhall be thereof convicted, the Offender ſhall ſuffer as Perſons convicted of wilful and corrupt Perjury at common Law."

By *Sect.* 4. "If it be demanded at the above mentioned Election, the preſiding Officer ſhall begin the Poll the Day it ſhall be demanded, or the next Day, and ſhall proceed therein from Day to Day, until ſuch Poll be finiſhed; and ſhall finiſh the Poll by Election by Livery-men within ſeven Days after the commencing the ſame; and ſhall, upon adjourning the Poll on each Day, ſeal up the Books with the Seals, and in the Preſence of ſuch of the Candidates or Perſons deputed by them, as

* Refuſing or neglecting to take the Oath, or being a Quaker, the Affirmation, makes the Poll or Vote of ſuch Perſon void. *id. ib.*

† See the Form of this Oath in the Apendix, N°. VII.

ſhall

ſhall deſire the ſame; and the Poll-books ſhall not be opened but at the Time and Place of Meeting; and after the Poll is finiſhed, the Poll-books ſhall, within two Days be opened at the Place of Election, and caſt up; and within two Days after the Numbers of the Votes ſhall be declared at the Place of Election; and if a Scrutiny be demanded, it ſhall be granted, and the Candidates ſhall nominate the preſiding Officers any Number of Perſons qualified to vote, not exceeding ſix, to be Scrutineers, to whom the preſiding Officers ſhall within ſix Days, upon the Requeſt and at the Charge of the Candidates or Scrutineers, deliver a Copy, ſigned by ſuch Officers of the Poll; and the Scrutineers upon ſuch Election ſhall begin within ten Days after the Delivery of the Copies of the Polls, and be proceeded upon Day by Day, and ſhall be finiſhed within fifteen Days after commencement; and the preſiding Officers ſhall, within four Days after the finiſhing ſuch Scrutiny, declare at the Place of ſuch Election, which of the Candidates is duly elected, and the Number of legal Votes for each Candidate; and if the preſiding Officer, or any other Perſon, ſhall offend in the Premiſſes, ſuch Offender ſhall forfeit two hundred Pounds with Coſts, over and above all other Penalties."

By *Sect.* 5. "After any Election and Scrutiny, the preſiding Officer ſhall deliver under his Hand a Liſt of the Voters by him diſallowed, to any of the Candidates who ſhall demand the ſame, within ſix Days after ſuch Demand, ſuch Candidate paying for the ſame, provided no ſuch Liſt ſhall be given in Evidence."

By *Sect.* 6. "The Mayor of *London*, on Requeſt made by any Candidates or their Agents, at any Elections of Citizens to ſerve in Parliament, where a Scrutiny is granted, ſhall iſſue his Precepts, requiring

quiring the Maſters and Wardens of the Livery Companies to cauſe their Clerks to return two Liſts of the Liverymen of their Companies; and the Clerks ſhall return ſuch Liſts upon Oath, within three Days after the Receipt of ſuch Precepts, one of which Liſts the Mayor ſhall deliver to the Candidates on each Side, or their Agents."

By *Sect.* 14. "No Perſon ſhall have a Right to vote at any Election by the Liverymen, who have not been upon the Livery twelve Kalendar Months, and who ſhall not have paid their Livery Fines, or who ſhall have received ſuch Fines back again in part or in all; or ſhall have had any Allowance in reſpect thereof; and no Perſon ſhall have a Right to vote who have within two Years next before requeſted to be, and have been, diſcharged from paying Taxes, or have within that Time received *Alms*."

By *Sect.* 20. "All the Forfeitures hereby enacted ſhall be diſtributed; one Third to the King, one Third to the Chamberlain for the Uſe of the City, and the remaining Third to the Proſecutor who will ſue within ſix Kalendar Months after the ſame ſhall be incurred."

By *Sect.* 21. "This Act ſhall be a public Act."

4. *The Return.*

By Stat. 5 *Ric.* 2. *ſtat.* 2. *c.* 4: "If any Sheriff refuſe the Return of Writs of the Parliament, or leave out any Cities or Boroughs which of old Times were wont to come to Parliament, he ſhall be puniſhed as accuſtomed."

If any Sheriff refuſes the Return of the proper Officer, and accepts a Return by an improper Officer of the Corporation, it ſhall be amended by the Clerk of the Crown, by Order of the Houſe to file the proper Return, and take the other off the File.

If he makes a double Return, and one is waived, and appears improper, it ſhall be amended by taking it off the File. 4 *Com. Dig.* 290.

By Stat. 7 *Hen.* 4. *c.* 15. "After the Knights of the Shires, the Names of the Perſons ſhall be written in an Indenture under the Seals of thoſe who did chuſe them, and tacked to the Writ, which Indenture ſhall be the Return: and in the Writs of Parliament this Clauſe ſhall be put;" "And your * Election in your full County † made, you ſhall without ‡ Delay, diſtinctly ‖, and evenly cer-

* This Way of Election of new Members to ſerve in Parliament, gives a Liberty to the People to chuſe the fitteſt Perſons to ſerve them; and is a Spur to the Perſons elected, to endeavour to perform the better Service, that they may continue in the Favour of their Countrymen. 2 *Mor. Whitel. on Govern. chap.* 3. *fol* 409.

† The Writ in this Place, ſaith only, in your full County, but the Word "*Court*" is to be underſtood, and ſignified by the Uſe of the Word "*County*," in this Place. 2 *Mor. Whitel. on Govern. chap.* 37. *fol.* 340. See 2 *Mor. Whitel. on Govrn. chap.* 112. *fol.* 411, *Black. Com.* 171.

‡ 2 *Mor. Whitel. chap.* 104. *fol.* 378.

‖ The Return of the Sheriff to be "diſtinctly and openly" made: "diſtinctly," that it may be ſeen who are choſen for the County, and who, for each diſtinct City and Borough; and the Return is to be open, that the Names may be known, and whether the Perſons choſen be returned, or not. That if they who are duly choſen, be not duly returned, they may proſecute the Remedy given them by Law, for that Injury. And it is neceſſary, that the Return be open, becauſe upon Complaint made to the Parliament of a falſe Return, the Houſe of Commons doth often ſend to the Clerk of the Crown in *Chancery* to bring the Return of a County, or City, (as there is Occaſion) to the Houſe, where it is ſometimes peruſed at the Bar, or at the Committee of Privileges; and being found to be falſe, or miſtaken, the Houſe many Times cauſeth the Return to be amended at the Bar, ſitting at the Houſe; and then it is a Record according to that Amendment. The having of it "openly," doth alſo agree with the Law of *England*, in other Caſes, that Records are to be open for all to ſearch and view, for all are concerned in them; and it is to be "open," becauſe it is to be tried only by itſelf, *Co. Lit.* 117. *b.* 260. *a.* and they admit

tify * under your † Seal and the Seals, of them ‡ who were concerned § in that Election, to us in

mit no Averment, Plea, or Proof, to the contrary. The Return of the Sheriff is Part of a Record, and hath this Previlege, for the Conſequence of it, to be reckoned amongſt our Records of Parliament. 2 *Mor. Whitel. on Govern. chap.* 197. *fol.* 397.

* The "Sheriff muſt certify the King" of the Elections made in his County; and by his Certificate, the Perſons who are to ſerve are certainly known; and ſo is the certain Number of them; and although the King may create as many as he pleaſes, to be Members of the Lords Houſe, and give by Patent, to as many Towns as he pleaſe, the Privilege of ſending Burgeſſes to Parliament, and ſo increaſe the Number of the Members of either Houſe, according to his own Pleaſure, yet, when he hath created thoſe Peers, the certain Number of all the Peers muſt be known, as appears by the Rolls in *Chancery*; and after his granting the Privilege to Towns, the certain Number of all the Members of the Houſe of Commons muſt appear, by the Certificates of the Sheriffs; elſe it cannot be known who are truſted with the great Power of being Members of the High Court and Council. 2 *Mor. Whitel. chap.* 103, *fol.* 372.

† It is very requiſite that ſuch an Officer, as the Sheriff is, ſhould have a Seal belonging to his Office. 2 *Mor. Whitel.* 409.

‡ The Seals of the Electors muſt be affixed to the Indenture of Return as well as the Seal of the Sheriff; and it is not perhaps neceſſary for every one of them to have a ſeveral and diſtinct Seal, but one Seal will ſerve for many, 8 *Hen.* 4. *fol.* 8. *pl.* Although twenty be named in a Deed; if it be ſealed by one Seal, yet it is a good Deed. One may ſeal with the Seal of another Perſon, and the ſame is valid, as if he had ſealed with his own proper Seal. There be many Caſes in our Law, where the Seal of the Sheriff, and the Seals of others, are to be affixed to Returns, as in this Caſe of Return of the Election of Parliament Men; to the End, the King may have the fuller, more ample, and clearer Teſtimony and Certificate, of the Act done, *viz.* who are the Perſons choſen; and that both by the legal Officer, who is intruſted to ſee the ſame done; and by the Freeholders, who are a Kind of Judges, and principal Actors in the Buſineſs. 2 *Mor. Whitel. cap.* 109. *fol.* 403, 404.

§ It is plain by the Words of the Writ, that the Seals of thoſe who are preſent at the Choice, muſt be affixed to the Indenture of Election, which the Sheriff is to return into *Chancery*; and uſually, the Seals of the principal Gentlemen who are preſent

our Chancery at the Day †, and Place in the Writ contained."

By Stat. 23 *Hen.* 6. *c.* 14. *ſect.* 1. "The Mayor and Bailiffs of Cities and Boroughs, ſhall return the Precept to the Sheriffs by Indentures, between the Sheriffs and them, of the Elections, and of the Names of the Citizens and Burgeſſes choſen, and thereupon every Sheriff ſhall make Return of ſuch Writ, and

at the Election, are put to the Indenture; together alſo with ſome Seals of other Freeholders of leſs Rank, to teſtify the Generality of the Opinion of the Freeholders, in the Election. 2 *Mor. Whitel.* 408. The putting of every Man's Hand, who gave his Voice, to the Indenture, is but Matter of Direction, (according to Sir *Edward Coke*) which was never done, and yet the Election never therefore thought void. *Debates of the Commons, Oxf. edit.* 1766. *p.* 23.

† All the ſaid Knights, Citizens, and Burgeſſes, are to meet "at the ſaid Day and Place," and to the End it may be known whom the ſeveral Counties, Cities, and Boroughs, have elected, and impowered according to this Writ, to ſerve for them in Parliament, therefore the Sheriff is to ſend in his Return, "at the ſaid Day and Place;" and the full Appearance of the Members of Parliament is held ſo neceſſary, that when ſome of them have failed to be "at the ſaid Day and Place," the Parliament hath for that Cauſe been adjourned to another Day, and new Summons awarded, for thoſe who were then abſent. Sometimes the Houſe hath been called, and the Names of thoſe abſent examined before the King; that ſuch as made Default might abide the King's Order; ſometimes, becauſe certain Sheriffs had not returned their Writs, the Parliament was adjourned. Sometimes, Fines have been impoſed for not being preſent "at the Day and Place" appointed; whereof there are precedents; and, of the Adjournment of the Parliament, for Abſence of the Members. In the beginning of the Parliament Rolls, of very many of them conſtantly unto this Day, at the firſt Meeting of the Parliament, the Members are called by Name; and the Appearance of every one of them is recorded. The King uſually creates ſome great Perſon Lord High Steward for that Day, and for that Purpoſe; and he makes his [1] Deputies, who ſit to receive the Appearance of the Members of the Houſe of Commons, and at this Day, the Appearance is not ſmall as it hath been in Times of Trouble. 2 *Mo. Whitel on Govern. chap.* 106. *fol.* 395.

(1) For the Form of the Deputation, ſee Appendix, N°. XXXI.

of

of every Return by the Mayor and Bailiffs to him made. And every Sheriff that doth contrary to theſe Statutes for the Election of Knights, Citizens, and Burgeſſes, ſhall incur the Pain contained in the Statute 8 *Hen.* 6. *c.* 7. and moreover ſhall forfeit to every Perſon choſen Knight, Citizen, or Burgeſs, in his County, and not duly returned, or to any other which in default of ſuch Knight, Citizen and Burgeſs, will ſue, one hundred Pounds with Coſts; and any Mayor and Bailiffs, *&c.* who ſhall return other than thoſe which be choſen by the Citizens and Burgeſſes, ſhall forfeit to the King forty Pounds; and moreover ſhall forfeit to every Perſon choſen Citizen or Burgeſs, and not returned, or to any other which in default of ſuch Citizen or Burgeſs will ſue, forty Pounds with Coſts."

By *Sect.* 2. "Every Sheriff who maketh not true Return of ſuch Elections, ſhall forfeit to the King one hundred Pounds, and alſo ſhall incur the Pain of one hundred Pounds, to him who will * ſue againſt him, his Executors or Adminiſtrators, with Coſts."

By Stat. 7 & 8 † *W.* 3. *c.* 7. *ſect.* 1. "All falſe Returns wilfully made, of any Member to ſerve in Parliament, are againſt Law; and in caſe any Perſon ſhall return any ‡ Member to ſerve in Parliament for any Place contrary to the laſt § Deter-

* Every Knight, Citizen, and Burgeſs, choſen and not returned, ſhall begin his Action of Debt within three Months after the Parliament commenced, to proceed in the ſame effectually, and if he do not, another who will ſue ſhall have the Action, *Sect.* 3. If a Sheriff makes a falſe Return, Debt lies for the one hundred Pounds upon this Statute. *Pl. Com.* 118, 130.

† Perpetuated by 12 *An. ſeſſ.* 1. *c.* 15.

‡ But the Members returned by him are the ſitting Members, until the Houſe of Commons, upon a Petition, ſhall adjudge the Return to be falſe and illegal. *Black Com.* 174.

§ By Stat. 2 *Geo.* 2. *c.* 24. *ſect.* 4. "Votes ſhall be deemed legal, which have been ſo declared be the laſt Determination of

mination in the Houſe of Commons, of the Right of Election in ſuch Place, ſuch Return ſhall be a falſe Return."

By *Sect.* 2. "Every Perſon who ſhall be duly elected to ſerve for any Place, on ſuch falſe Return may ſue the Officers and Perſons making or procuring the ſame, or any of them, and ſhall recover double Damages with Coſts."

By *Sect.* 3. "If any Officer ſhall wilfully, falſely, and maliciouſly, return more Perſons than are required to be choſen by the Writ or Precept, the like Remedy may be had againſt him, and the Parties that willingly procure the ſame, by the Party grieved."

By *Sect.* 4. "All Contracts and Securities given to procure any Return of any Member, ſhall be adjudged void; and whoever makes ſuch Contract or Security, or any Gift or Record, to procure ſuch falſe or double Return, ſhall forfeit three hundred Pounds, one third Part to his Majeſty, another third Part to the Poor of the County or Place concerned, and one third Part to the Informer, with Coſts, to be recovered in any of his Majeſty's Courts at *Weſtminſter*."

By *Sect.* 5. "The Clerk of the Crown ſhall enter in a Book every ſingle and double Return which ſhall come to his Hands, and every Alteration as ſhall be made by him or his Deputy in every ſuch Return; to which Book all Perſons ſhall have free Acceſs to ſearch and take Copies, paying a reaſonable Fee; and the Parties proſecuting ſuch Suit may give in Evidence ſuch Book, or a Copy thereof relating to ſuch falſe or double Return, and ſhall have the like Advantage of ſuch Proof as they might have had by producing the Record itſelf:

of the Houſe of Commons, which Determination concerning any County, City, Borough, Cinque Port or Place, ſhall be final to all Purpoſes.

And

And in caſe the Clerk of the Crown ſhall not, within ſix Days after the Return ſhall come to his Hands, make ſuch Entry, or ſhall make any Alteration in any Return, unleſs by Order of the Houſe of Commons, or give any Certificate of any Perſon not returned, or ſhall wilfully neglect to perform his Duty in the Premiſſes, he ſhall forfeit to the Party grieved five hundred Pounds, and loſe his Office, and be for ever incapable of holding the ſame."

By *Sect.* 6. "Every Information or Action grounded upon this Statute, ſhall be brought within two Years after the Cauſe of Action ſhall ariſe."

The Houſe expects the Sheriff to make a Return according to Law, and will not give him Directions in caſe of Difficulty; though the Mayor to whom the Precept was directed dies, and yet the Burgeſſes go to Election, and Part return one by one Indenture, and the other Part return another by another Indenture. 4 *Com. Dig.* 29."

An Action upon the Caſe lies upon this Statute for a falſe Return, *Lutw.* 185. If the Plaintiff makes his Caſe purſuant to the Statute. *Salk.* 504. *pl.* But an Action upon the Caſe does not lie ſince this Statute, where the Return was conformable to the laſt Determination of the Houſe of Commons. *Lutw.* 189.

By Stat. 7 & 8 *W.* 3. *c.* 25. *ſect.* 2. "Neither the Sheriff or his Under-ſheriff, nor the Mayor, Bailiff, Conſtable, Port-reeve, or other Officer, of any Borough, *&c.* to whom the Execution of any Writ or Precept for electing doth belong, ſhall pay or take any Fee for the making out Receipt, Delivery, Return, or Execution, of any ſuch Writ or Precept."

By *Sect.* 6. "Every Sheriff, Under-ſheriff, Mayor, Bailiff, and other Officer, to whom the Execution of any Writ or Precept ſhall belong

for

for electing Members, ſhall forthwith deliver to ſuch as ſhall deſire the ſame, a Copy of the Poll, paying a reaſonable Charge for Writing the ſame; and every Sheriff, *&c.* and other Officer to whom the Execution of any Writ or Precept for electing of Members doth belong, for every willful Offence contrary to this Act, ſhall forfeit to every Party grieved five hundred Pounds, to be recovered by him or his Adminſtrators with Coſts."

By Stat. 10 & 11 *W.* 3. *c.* 7. *ſect.* 1. "The Sheriff or other Officer having the Execution and Return of any Writ for the Choice of the Member, ſhall on or before the Day that any Parliament ſhall be called, and with all convenient Expedition, not exceeding fourteen Days after Election, make Return of the ſame to the Clerk of the Crown in *Chancery* to be filed; and the Sheriff, *&c.* ſhall pay to the Clerk of the Crown the antient Fees of four Shillings, for every Knight of a Shire, and two Shillings for every Citizen, Burgeſs or Baron of the *cinque Ports*, and have Allowance thereof in his Account."

By *Sect.* 3. "Every Sheriff, *&c.* who ſhall not make the Returns according to this Act, ſhall forfeit five hundred Pounds, one Moiety to his Majeſty, and the other Moiety to him that ſhall ſue for the ſame, in any of his Majeſty's Courts at *Weſtminſter*."

6. *Trials on controverted Elections.*

By 10 *Geo.* 3. *c.* 16. *ſect.* 1. Whenever a Petition complaining of an undue Election of a Member of Parliament, ſhall be preſented to the Houſe of Commons, a Day and Hour ſhall by the ſaid Houſe be appointed for taking the ſame into Conſideration; and Notice thereof in Writing

ſhall be forthwith given by the Speaker to the Petitioner and the ſitting Member or his Agent, accompanied with an Order to attend the Houſe, when appointed, by himſelf, Counſel, or Agent.

By 11 *Geo.* 3. *c.* 42. No ſuch Petition ſhall be conſidered till fourteen Days after the Commencement of the Seſſion of Parliament, in which it is preſented, nor till fourteen Days after the Return to which it relates, ſhall be brought into the Office of the Clerk of the Crown.

By 10 *Geo.* 3. *c.* 16. *ſect.* 3. The Houſe may alter the Day and Hour for conſidering ſuch Petition, and appoint ſome ſubſequent Day and Hour, giving to the Parties Notice thereof.

By *Sect.* 4. When the Petition is in Conſideration, and previous to the Reading the Order of the Day for that Purpoſe, the Serjeant at Arms ſhall be directed to require the immediate Attendance of the Members, and if after his Return, there leſs than One hundred Members preſent, the ſaid Order ſhall be immediately adjourned to a particular Hour on the following Day (*Sunday* and *Chriſtmas* Day always excepted), and the Houſe ſhall then adjourn to the ſaid Day; and the Proceedings of all Committees ſubſequent to ſuch Notice from the ſaid Serjeant, ſhall be void: And on the ſaid following Day, the Houſe ſhall proceed in the ſame Manner; and ſo from Day to Day, till there be an Attendance of One hundred Members at the Reading the Order of the Day, to take ſuch Petition into Conſideration.

By *Sect.* 5. If after ſummoning the Members, &c. One hundred Members ſhall be found to be preſent; the Petitioner himſelf and the Counſel or Agent of the Member, ſhall attend at the Bar; and the Houſe ſhall be locked, and no Member ſhall enter into or depart therefrom,

from, until the Petitioner, *&c.* and the Counſel or Agent for the ſittting Member, ſhall be directed to withdraw; and when the Houſe ſhall be locked, the Order of the Day ſhall be read, and the Names of all the Members written or printed on diſtinct equal Pieces of Parchment or Paper, and rolled up, ſhall be put in equal Numbers in ſix Boxes or Glaſſes, and be ſhaken together, and then the ſaid Clerk Aſſiſtant ſhall publicly draw out of the Boxes or Glaſſes alternately the ſaid Pieces of Parchment or Paper, and deliver the ſame to the Speaker, to be by him read to the Houſe; and ſo ſhall continue to do, untill forty nine Names of the Members then preſent be drawn.

By *Sect.* 6. If the Name of any Member who ſhall have given his Vote at the Election complained of, or who ſhall be a Petitioner, or againſt whoſe Return a Petition ſhall be then depending, or whoſe Return ſhall not have been brought in fourteen Days, ſhall be drawn; his Name ſhall be ſet aſide, with the Names of thoſe who are abſent from the Houſe.

By *Sect.* 7. If the Name of any Member ſixty Years of Age or upwards be drawn, he ſhall be excuſed from ſerving on the ſelect Committee to be appointed as herein after is mentioned, if he require it, and verify the Cauſe of ſuch Requiſition upon Oath.

By *Sect.* 8. If the Name of any Member who has ſerved in ſuch ſelect Committee during the ſame Seſſion be drawn, he ſhall, if he requries it, be excuſed from ſerving again in any ſuch ſelect Committee, unleſs the Houſe ſhall, before the Day appointed for taking the ſaid Petition into Conſideration, have reſolved, that the Number of Members who have not ſerved on ſuch ſelect Committee in the ſame Seſſion, is inſufficient to fulfil the

ſhall be forthwith given by the Speaker to the Petitioner and the ſitting Member or his Agent, accompanied with an Order to attend the Houſe, when appointed, by himſelf, Counſel, or Agent.

By 11 *Geo.* 3. *c.* 42. No ſuch Petition ſhall be conſidered till fourteen Days after the Commencement of the Seſſion of Parliament, in which it is preſented, nor till fourteen Days after the Return to which it relates, ſhall be brought into the Office of the Clerk of the Crown.

By 10 *Geo.* 3. *c.* 16. *ſect.* 3. The Houſe may alter the Day and Hour for conſidering ſuch Petition, and appoint ſome ſubſequent Day and Hour, giving to the Parties Notice thereof.

By *Sect.* 4. When the Petition is in Conſideration, and previous to the Reading the Order of the Day for that Purpoſe, the Serjeant at Arms ſhall be directed to require the immediate Attendance of the Members, and if after his Return, there leſs than One hundred Members preſent, the ſaid Order ſhall be immediately adjourned to a particular Hour on the following Day (*Sunday* and *Chriſtmas* Day always excepted), and the Houſe ſhall then adjourn to the ſaid Day; and the Proceedings of all Committees ſubſequent to ſuch Notice from the ſaid Serjeant, ſhall be void: And on the ſaid following Day, the Houſe ſhall proceed in the ſame Manner; and ſo from Day to Day, till there be an Attendance of One hundred Members at the Reading the Order of the Day, to take ſuch Petition into Conſideration.

By *Sect.* 5. If after ſummoning the Members, &c. One hundred Members ſhall be found to be preſent; the Petitioner himſelf and the Counſel or Agent of the Member, ſhall attend at the Bar; and the Houſe ſhall be locked, and no Member ſhall enter into or depart therefrom,

from, until the Petitioner, *&c.* and the Counſel or Agent for the ſittting Member, ſhall be directed to withdraw; and when the Houſe ſhall be locked, the Order of the Day ſhall be read, and the Names of all the Members written or printed on diſtinct equal Pieces of Parchment or Paper, and rolled up, ſhall be put in equal Numbers in ſix Boxes or Glaſſes, and be ſhaken together, and then the ſaid Clerk Aſſiſtant ſhall publicly draw out of the Boxes or Glaſſes alternately the ſaid Pieces of Parchment or Paper, and deliver the ſame to the Speaker, to be by him read to the Houſe; and ſo ſhall continue to do, untill forty nine Names of the Members then preſent be drawn.

By *Sect.* 6. If the Name of any Member who ſhall have given his Vote at the Election complained of, or who ſhall be a Petitioner, or againſt whoſe Return a Petition ſhall be then depending, or whoſe Return ſhall not have been brought in fourteen Days, ſhall be drawn; his Name ſhall be ſet aſide, with the Names of thoſe who are abſent from the Houſe.

By *Sect.* 7. If the Name of any Member ſixty Years of Age or upwards be drawn, he ſhall be excuſed from ſerving on the ſelect Committee to be appointed as herein after is mentioned, if he require it, and verify the Cauſe of ſuch Requiſition upon Oath.

By *Sect.* 8. If the Name of any Member who has ſerved in ſuch ſelect Committee during the ſame Seſſion be drawn, he ſhall, if he requries it, be excuſed from ſerving again in any ſuch ſelect Committee, unleſs the Houſe ſhall, before the Day appointed for taking the ſaid Petition into Conſideration, have reſolved, that the Number of Members who have not ſerved on ſuch ſelect Committee in the ſame Seſſion, is inſufficient to fulfil the

Purpoſes of this Act, reſpecting the Choice of ſuch ſelect Committee.

By *Sect.* 9. No Member who, after having been appointed to ſerve in any ſuch ſelect Committee, ſhall on account of Inability or Accident, have been excuſed from attending the ſame throughout, ſhall be deemed to have ſerved on any ſuch ſelect Committee.

By *Sect.* 10. If any other Member ſhall offer and verify upon Oath any other Excuſe, the Subſtance of the Allegations ſo verified upon Oath ſhall be taken down by the ſaid Clerk, in order that the ſame may be afterwards entered in the the Journals, and the Opinion of the Houſe ſhall be taken thereon; and if the Houſe ſhall reſolve, that the ſaid Member is unable to ſerve, or cannot without great and manifeſt Detriment ſerve in ſuch ſelect Committee, he alſo ſhall be excuſed from ſuch Service.

By *Sect.* 11. Inſtead of the Members ſo ſet aſide and excuſed, the Names of other Members ſhall be drawn; who may in like Manner be ſet aſide or excuſed, and others drawn to ſupply their Places, until the whole Number of forty-nine Members, not liable to be ſo ſet aſide or excuſed, ſhall be complete; and the Petitioners or their Agents ſhall then name one, and the ſitting Members or their Agents another, from among the Members then preſent, whoſe Names ſhall not have been drawn, to be added to thoſe who ſhall have been ſo choſen by Lot.

By *Sect.* 12. Either of the Members ſo nominated ſhall or may be ſet aſide, for any of the ſame Cauſes as thoſe choſen by Lot; or ſhall, if he requires it, be excuſed from ſerving on the ſaid ſelect Committee; and the Party who nominated the Member ſo ſet aſide, or excuſed, ſhall nominate another in his ſtead, and ſo continue to do

as

as often as the Caſe ſhall happen, until his Nominee is admitted.

By *Sect.* 13. As ſoon as the ſaid forty-nine Members ſhall have been ſo choſen by Lot, and the two Members to be added thereunto ſhall have been ſo nominated as aforeſaid, the Door of the Houſe ſhall be opened, and the Houſe may proceed upon any other Buſineſs, and Liſts of the forty-nine Members ſo choſen by Lot ſhall be given to the Petitioners, their Counſel or Agents, and the Counſel or Agents for the ſitting Members, who ſhall immediately withdraw, together with the Clerk appointed to attend the ſaid ſelect Committee; and the ſaid Petitioner and ſitting Members, their Counſel or Agents, beginning on the Part of the Petitioners, ſhall alternately ſtrike off one of the ſaid forty-nine Members, untill the ſaid Number ſhall be reduced to thirteen; and the ſaid Clerk, within one Hour at fartheſt from the Time of the Parties withdrawing from the Houſe, ſhall deliver in the Names of the thirteen Members, together with the two Members nominated as aforeſaid, ſhall be ſworn at the Table, well and truly to try the Matter of the Petition referred to them, and a true Judgment to give according to the Evidence, and ſhall be a ſelect Committee to try and determine the Merits of the Return or Election appointed by the Houſe, to be that Day taken into Conſideration; and the Houſe ſhall order the ſaid ſelect Committee to meet at a certain Time, to be fixed by the Houſe, which Time ſhall be within twenty-four Hours of the Appointment of the ſaid ſelect Committee, unleſs a *Sunday* or *Chriſtmas* Day ſhall intervene; and the Place of their meeting and ſitting ſhall be ſome convenient Room or Place adjacent to the Houſe of Commons, or Court of Requeſts, properly prepared for that Purpoſe.

By *Sect.* 14. On the Parties withdrawing, the Houſe ſhall continue ſitting; and the ſaid fifty-one Members, ſo choſen and nominated, ſhall not depart the Houſe, till the Time for the Meeting of the ſaid ſelect Committee ſhall be fixed.

By *Sect.* 15. If upon the drawing out the Name of any Member by Lot as aforeſaid, the ſaid Petitioners or ſitting Members, or their Agents, ſhall declare, that ſuch Member is intended to be One of the two Nominees to be nominated by them reſpectively, and if ſuch Member ſhall conſent to ſuch Nomination, the Name of ſuch Member ſo drawn by Lot ſhall be ſet aſide, and, unleſs objected to as aforeſaid, he ſhall ſerve as ſuch Nominee, and the Name of another Member ſhall be drawn to ſupply his Place, to complete the Number forty-nine Members to be drawn by Lot, and if the ſaid Petitioners or ſitting Members, or their Agents, ſhall not reſpectively nominate a Member then preſent, who ſhall be admitted according to the Directions of this Act, then the Want of ſuch a Nomination ſhall be ſupplied, by drawing out, inſtead thereof, the Name of one or two Members, as the Caſe ſhall require, who ſhall be drawn by Lot in the like Manner, and ſubject to the like Objections and Excuſes, as the other forty-nine Members already drawn by Lot, and ſhall be added to the Liſts of the ſaid forty-nine Members, and ſhall be liable to be ſtruck off in the like Manner; leaving always the Number of fifteen Members in the Whole, and no more, as a ſelect Committee for the Purpoſes aforeſaid.

By *Sect.* 16. The Names of all the Members ſo written and rolled up as herein before directed, ſhall, previous to the Day appointed for taking any ſuch Petition into Conſideration, be prepared by the ſaid Clerk Aſſiſtant, and by him put into a Box or Parcel in the Preſence of the Speaker, together

together with an Atteſtation ſigned by the ſaid Clerk Aſſiſtant, purporting, that the Names of all the Members were by him put therein the Day of in the Year which ſaid Box or Parcel the Speaker ſhall ſeal with his own Seal, and to the Outſide thereof ſhall annex an Atteſtation ſigned by himſelf, purporting, that the ſaid Box or Parcel was on the Day of in the Year made up in his Preſence, in the Manner directed by this Act; and that as ſoon as the Parties ſhall be withdrawn as aforeſaid, and before the Houſe ſhall enter on any other Buſineſs, any Member may require, that the Names of all the Members which remain undrawn ſhall be drawn and read aloud by the ſaid Clerk Aſſiſtant.

By *Sect.* 17. The ſaid ſelect Committee ſhall, on their meeting, elect a Chairman from among ſuch of the Members thereof as ſhall have been choſen by Lot; and if in the Election of a Chairman, there be an equal Number of Voices, the Member whoſe Name was firſt drawn in the Houſe ſhall have a caſting Voice; ſo likewiſe, in caſe there ſhould ever be Occaſion for electing a new Chairman, on Death or neceſſary Abſence of the Chairman firſt elected.

By *Sect.* 18. The ſaid ſelect Committee ſhall have Power to ſend for Perſons, Papers, and Records; and ſhall examine all the Witneſſes who ſhall come before them upon Oath, and ſhall try the Merits of the Return or Election, or both; and ſhall determine by a Majority of Voices of the ſaid ſelect Committee, whether the Petitioners or the ſitting Members, or either of them, be duly returned or elected, or whether the Election be void; which Determination ſhall be final between the Parties to all Intents and Purpoſes: And the Houſe, on being informed thereof

by the Chairman of the ſaid ſelect Committee, ſhall order the ſame to be entered in their Journals, and give the neceſſary Directions for confirming or altering the Return, or for the Iſſuing a new Writ for a new Election, or for carrying the ſaid Determination into Execution, as the Caſe may require.

By *Sect.* 19. The ſaid ſelect Committee ſhall ſit every Day, (*Sunday* and *Chriſtmas* Day only excepted) and ſhall never adjourn for a longer Time than twenty-four Hours, unleſs a *Sunday* or *Chriſtmas* Day intervene, without Leave firſt obtained from the Houſe, upon Motion, and ſpecial Cauſe aſſigned for a longer Adjournment; and in caſe the Houſe ſhall be ſitting at the Time to which the ſaid ſelect Committee is adjourned, then the Buſineſs of the Houſe ſhall be ſtayed, and a Motion ſhall be made for a further Adjournment, for any Time to be fixed by the Houſe, not exceeding twenty-four Hours, unleſs *Sunday* or *Chriſtmas* Day intervene.

By *Sect.* 20. Where the Time preſcribed by this Act for the Meeting, Sitting, or Adjournment of the ſaid ſelect Committee, ſhall by the Intervention of a *Sunday* or *Chriſtmas* Day, exceed twenty-four Hours, ſuch Meeting, Sitting, or Adjournment, ſhall be within twenty-four Hours from the Time of appointing or affixing the ſame, excluſive of ſuch *Sunday* or *Chriſtmas* Day.

By *Sect.* 21. No Member of the ſaid ſelect Committee ſhall be allowed to abſent himſelf from the ſame, without Leave obtained from the Houſe, or an Excuſe allowed by the Houſe at the next Sitting thereof, on ſpecial Cauſe ſhewn and verified by Oath; and the ſaid ſelect Committee ſhall never ſit, until all the Number to whom ſuch Leave has not been granted, nor Excuſe allowed, are met; and in caſe they ſhall not all meet within

within one Hour after the Time to which the ſaid ſelect Committee ſhall have been adjourned, a farther Adjournment ſhall be made in the Manner as before directed, and reported, with the Cauſe thereof to the Houſe.

By *Sect.* 22. The Chairman of the ſaid ſelect Committee ſhall, at the next Meeting of the Houſe, always report the Name of every Member thereof who ſhall have been abſent therefrom without ſuch Leave or Excuſe as aforeſaid; and ſuch Member ſhall be directed to attend the Houſe at the next Sitting thereof, and ſhall then be ordered to be taken into the Cuſtody of the Serjeant at Arms attending the Houſe, for ſuch Neglect of his Duty, and otherwiſe puniſhed or cenſured at the Diſcretion of the Houſe; unleſs it ſhall appear to the Houſe by Facts ſpecially ſtated and verified upon Oath, that ſuch Member was, by a ſudden Accident, or by Neceſſity, prevented from attending the ſaid ſelect Committee.

By *Sect.* 23. If more than two Members of the ſaid ſelect Committee ſhall, on any Account, be abſent therefrom, the ſaid ſelect Committee ſhall adjourn in the Manner herein before directed; and ſo from Time to Time, until thirteen Members are aſſembled.

By *Sect.* 24. In caſe the Number of Members able to attend the ſaid ſelect Committee ſhall, by Death or otherwiſe, be unavoidably reduced to leſs than thirteen, and ſhall ſo continue for the Space of three ſitting Days, the ſaid ſelect Committee ſhall be diſſolved, and another choſen, to try and determine the Matter of ſuch Petition, in Manner aforeſaid; and all the Proceedings of the ſaid former ſelect Committee ſhall be void and of no Effect.

By *Sect.* 25. If the ſaid ſelect Committee ſhall come to any Reſolution, other than the Determination

mination above mentioned, they ſhall, if they think proper, report the ſame to the Houſe for their Opinion, at the ſame Time that the Chairman of the ſaid ſelect Committee ſhall inform the Houſe of ſuch Determination; and the Houſe may confirm or diſagree with ſuch Reſolution, and make ſuch Orders thereon, as to them ſhall ſeem proper.

By *Sect.* 26. If any Perſon Summoned by the ſaid ſelect Committee ſhall prevaricate, or ſhall otherwiſe miſbehave in giving, or refuſing to give Evidence, the Chairman of the ſaid ſelect Committee, by their Direction, may at any Time during the Courſe of their Proceedings report the ſame to the Houſe, for the Interpoſition of their Authority or Cenſure, as the Caſe ſhall require.

By *Sect.* 27. Whenever the ſaid ſelect Committee ſhall think it neceſſary to deliberate amongſt themſelves, upon any Queſtion which ſhall ariſe in the Courſe of the Trial, upon the Determination thereof, or upon any Reſolution concerning the Matter of the Petition referred to them as aforeſaid; as ſoon as the ſaid ſelect Committee ſhall have heard the Evidence and Counſel on both Sides relative thereto, the Room or Place wherein they ſhall ſit ſhall be cleared, if they ſhall think proper, while the Members of the ſaid ſelect Committee conſider thereof; and all ſuch Queſtions, as well as ſuch Determinations, and all other Reſolutions, ſhall be by a Majority of Voices, and if the Voices ſhall be equal, the Chairman ſhall have a caſting Voice.

By *Sect.* 28. No ſuch Determination as aforeſaid ſhall be made, nor any Queſtion be propoſed, unleſs thirteen Members ſhall be preſent; and no Member ſhall have a Vote on ſuch Determination, or any other Queſtion or Reſolution, who has not

attended

attended during every Sitting of the ſaid ſelect Committee.

By *Sect.* 29. The Oaths by this Act directed to be taken in the Houſe, ſhall be adminiſtered by the ſaid Clerk, in the ſame Manner as the Oaths of Allegiance and Supremacy are adminiſtered in the Houſe of Commons; and that the Oaths by this Act directed to be taken before the ſaid ſelect Committee, ſhall be adminiſtered by the Clerk attending the ſaid ſelect Committee; and that all Perſons who ſhall be guilty of willful and corrupt Perjury in any Evidence which they ſhall give before the Houſe, or the ſaid ſelect Committee, in conſequence of the Oath which they ſhall have taken by the Direction of this Act, ſhall on Conviction thereof, incur and ſuffer the like Pains and Penalties to which any other Perſon, convicted of wilful and corrupt Perjury, is liable by the Laws and Statutes of this Realm.

By *Sect.* 30. This Act ſhall continue in Force ſeven Years, and till the End of the Seſſion of Parliament next after the Expiration of the ſaid ſeven Years, and no longer.

By Stat. 11 *Geo.* 3. *c.* 42. §. 1. If ſeveral Parties, on diſtinct Intereſts or Grounds of Complaint, ſhall preſent ſeparate Petitions, complaining of an undue Election or Return of a Member to ſerve in Parliament, the ſame Notice and Orders ſhall be given to all ſuch Parties, or their reſpective Agents, as by the ſaid Act is directed to be given to the ſitting Members, or the Petitioners therein mentioned, or their reſpective Agents.

By *Sect.* 3. If at the Time of drawing by Lot the Names of the Members, in Manner preſcribed by *Stat.* 10 *G.* 3. *c.* 16. the Number of forty-nine Members, not ſet aſide nor excuſed, cannot be compleated, the Houſe ſhall proceed in the Manner

ner they are directed by the ſaid Act to proceed, in caſe there be leſs than one hundred Members preſent at the Time therein preſcribed for counting the Houſe; and ſo from Day to Day, as often as the Caſe ſhall happen.

By *Sect.* 4. On the Day appointed for taking any Petition into Conſideration, the Houſe ſhall not proceed to any other Buſineſs whatſoever, except the ſwearing of Members previous to the Reading of the Order of the Day, for that Purpoſe.

By *Sect.* 5. If the ſelect Committee ſhall have Occaſion to apply or report to the Houſe, in relation to Adjournment of the ſaid ſelect Committee, the Abſence of the Members thereof, or the Non-attendance or Miſbehaviour of Witneſſes ſummoned to appear, or appearing before them; and the Houſe ſhall be then adjourned for more than three Days, the ſaid ſelect Committee may alſo adjourn to the Day appointed for the Meeting of the Houſe.

By *Sect.* 6. If on a Complaint by Petition of an undue Election or Return, there ſhall be more than two Parties before the Houſe, on diſtinct Intereſt, or complaining or complained of upon different Grounds, whoſe Right to be elected or returned may be affected by the Determination of the ſaid ſelect Committee, each of the ſaid Parties ſhall ſucceſſively ſtrike off a Member from the forty-nine Members to be choſen by Lot, until the ſaid Number be reduced to thirteen, in the ſaid Manner as by *Stat.* 10 *G.* 3. *c.* 16. is directed for the ſtriking off a Member alternately by the Parties therein mentioned; and the Liſts of the forty-nine Members choſen by Lot, ſhall, for this Purpoſe, be given to all the ſaid Parties, and the Order in which the ſaid Parties ſhall ſo ſtrike off the ſaid Members ſhall be

be determined by Lot, after they are withdrawn from the Bar; and in ſuch Caſe, neither of the ſaid Parties (there being more than two) ſhall be permitted to name a Member to be added to the Members drawn by Lot as aforeſaid; but that as ſoon as the Liſt of thirteen Members ſhall be returned by the Parties to the Houſe, ſuch thirteen Members ſhall immediately withdraw, and ſhall by themſelves chuſe two Members then preſent in the Houſe, whoſe Names ſhall not have been drawn, to be added to the ſaid thirteen Members; and ſhall within one Hour from the Time of their withdrawing, report the Names of two ſuch Members to the Houſe; which two Members ſhall be liable to be ſet aſide on the like Objections for which Nominees may be ſet aſide by virtue of *Stat.* 10 *G.* 3. *c.* 16. and in caſe ſuch two Members, or either of them, ſhall be ſet aſide for any of the Cauſes aforeſaid, then the ſaid thirteen Members ſhall chuſe one or two other Members, as the Caſe ſhall require, until two Members are choſen, againſt whom none of the Objections to Nominees mentioned in *Stat.* 10 *G.* 3. ſhall be taken and allowed; and that the Names of ſuch two Members ſhall be then added to the ſaid Liſt of thirteen Members, and all the ſaid *fifteen* Members ſhall be ſworn at the Table, and they ſhall be the ſelect Committee appointed for the Purpoſes expreſſed in this and *Stat.* 10 *G.* 3.

By *Sect.* 7. Where the ſaid Nominees are by this Act directed to be named by the ſaid thirteen Members, no Member preſent at the Time of the Ballot ſhall depart from the Houſe, until the Time for the Meeting of the ſaid ſelect Committee ſhall be fixed.

7. *The*

7. *The Incapacity of the Members of the* Chriſtian Society *in the Borough of* New Shoreham, *in the County of* Suſſex; *the Qualifications of the Electors, and the Return in the ſaid Borough.*

The Preamble to Stat. 11 *G.* 3 *c.* 55. After reciting that a wicked and corrupt Society, calling itſelf the "Chriſtian Society," had for ſeveral Years ſubſiſted in the Borough of *New-Shoreham*, in the County of *Suſſex*, which conſiſted of a great Majority of Perſons, having a Right to vote at Elections of Parliament for ſaid Borough; and that the chief End of the Inſtitution of the ſaid Society was for the Purpoſe of ſelling the Seats in Parliament for the ſaid Borough; in order therefore to prevent ſuch unlawful Practices for the future, and that the ſaid Borough from thenceforth be duly repreſented in Parliament, enacts,

By *Sect.* 1. That Sixty-nine Perſons therein particularly named, being Freeholders of the ſaid Borough, are incapacitated from giving any Vote at any Election for the chooſing a Member of Parliament.

By *Sect.* 2. Every Freeholder above the Age of Twenty-one Years, who ſhall have within the *Rape* of *Bramber*, in ſaid County of *Suſſex*, a Freehold of the clear yearly Value of Forty Shillings, to give his Vote at every Election of a Burgeſs for the ſaid Borough of *New-Shoreham*.

By *Sect.* 3. The Right of Election for the ſaid Borough is declared to be in ſuch Freeholders, and in the Perſons who by the Cuſtom and Uſage of the ſaid Borough had or ſhould then after have a Right to vote at ſuch Election, (the above named Sixty-nine Perſons always and only excepted) and the returning Officer is required to return the Perſons to ſerve in Parliament for the ſaid Borough

Borough, who ſhall have the major Number of Votes of ſuch Freeholders and other Perſons having a Right to vote at the ſaid Election (except as before excepted).

By *Sect.* 4. Every Freeholder, before he is admitted to Poll at any Election for the ſaid Borough, ſhall, if required by any Candidate, or other Perſon having Right to vote at ſaid Election, firſt take the Oath or Affirmation, N°. XXXII. which the Returning Officer is to adminiſter; and in caſe any Freeholder or other Perſon, taking the ſaid Oath or Affirmation ſhall commit Perjury, or if any Perſon ſhall ſuborn any Freeholder or other Perſon to take the ſame, in order to be Polled, whereby he ſhall commit Perjury, ſhall incur the Penalties of Stat. 5 *El. c.* 9. and of 2 *G.* 2. *c.* 25. See Ante P. 50.

By *Sect.* 5. The Returning Officer on Receipt of Writ ſhall indorſe Day thereof, thereon, in Preſence of Party from whom he received the Precept, and ſhall cauſe public Notice of the Day of Election to be fixed on the Market-Houſes or Church-Doors at *New-Shoreham*, *Bramber*, and *Steyning*, within twelve and not leſs than eight Days next after the Receipt of the Precept.

By *Sect.* 6. This Act ſhall be publickly read at every Election for *New-Shoreham*, immediately after the Acts directed by any Act to be read thereat, and before the Perſons preſent ſhall proceed to make Election.

II. SCOTLAND.

By Stat. 5 *Ann. c.* 8. *ſect.* 1. *Art.* 3. "The united Kingdom ſhall be preſented by one Parliament, to be ſtiled the Parliament of *Great Britain*."

By *Art.* 22. "Sixteen of the Peers of *Scotland*, at the Union, ſhall be the Number to ſit and vote

in the Houſe of Lords; and Forty five Commoners ſhall be the Number to ſit and vote in the Houſe of Commons."

This being premiſed, we will conſider this Diviſion under the following Subdiviſions, *viz.*

I. PEERS.

II. COMMONERS.

I. *Peers.*

This Subdiviſion admits of the following ones, *viz.*

1. *The Qualifications of the Electors.*
2. *The Qualifications of the elected.*
3. *The Manner of and Proceedings at the Election.*

1. *The Qualifications of the Electors of the Peers for* Scotland.

By *Stat.* 5 *Ann. c.* 8. *ſect.* 12. "None ſhall be capable to elect, but ſuch as are twenty-one Years of age compleat, and Proteſtants, excluding all Papiſts, or ſuch who being ſuſpected of Popery, and required, refuſe to ſwear and ſubſcribe the *Formula* * contained in the third Act made in the eighth and ninth Seſſions of King *William*'s Parliament, for preventing the Growth of Popery; and none ſhall be capable to elect, except ſuch as are now capable by the Laws of this Kingdom, to elect Commiſſioners for Shires or Burghs, to the Parment of *Scotland*."

By Stat. 6 *Ann. c.* 23. *ſect.* 3. "All the Peers who meet on the Proclamation for electing the ſixteen Peers of *Scotlaud*, ſhall, before they proceed to the Election, and in the Preſence of the Peers

* Which ſee in Appendix, N°. XXI.

aſſembled,

for electing Members, ſhall forthwith deliver to ſuch as ſhall deſire the ſame, a Copy of the Poll, paying a reaſonable Charge for Writing the ſame; and every Sheriff, *&c.* and other Officer to whom the Execution of any Writ or Precept for electing of Members doth belong, for every wilful Offence contrary to this Act, ſhall forfeit to every Party grieved five hundred Pounds, to be recovered by him or his Adminiſtrators with Coſts."

By Stat. 10 & 11 *W.* 3. *c.* 7. *ſect.* 1. "The Sheriff or other Officer having the Execution and Return of any Writ for the Choice of a Member, ſhall, on or before the Day that any Parliament ſhall be called, and with all convenient Expedition, not exceeding fourteen Days after Election, make Return of the ſame to the Clerk of the Crown in *Chancery* to be filed; and the Sheriff, *&c.* ſhall pay to the Clerk of the Crown the antient Fees of four Shillings, for every Knight of a Shire, and two Shillings for every Citizen, Burgeſs or Baron of the *cinque Ports*, and have Allowance thereof in his Account."

By *Sect.* 3. "Every Sheriff, *&c.* who ſhall not make the Returns according to this Act, ſhall forfeit five hundred Pounds, one Moiety to his Majeſty, and the other Moiety to him that ſhall ſue for the ſame, in any of his Majeſty's Courts at *Weſtminſter*."

6. *Trials on controverted Elections.*

II. SCOTLAND.

By Stat. 5 *Ann c.* 8. *ſect.* 1. *Art.* 3. "The united Kingdom ſhall be repreſented by one Parliament, to be ſtiled the Parliament of *Great Britain*."

By *Art.* 22. "Sixteen of the Peers of *Scotland*, at the Union, ſhall be the Number to ſit and vote

in the Houſe of Lords; and Forty-five Commoners ſhall be the Number to ſit and vote in the Houſe of Commons."

This being premiſed we will conſider this Diviſion under the following Subdiviſions, *viz.*

I. PEERS.

II. COMMONERS.

I. *Peers.*

This Subdiviſion admits of the following ones, *viz.*

1. *The Qualifications of the Electors.*
2. *The Qualifications of the elected.*
3. *The Manner of and Proceedings at the Election.*

1. *The Qualifications of the Electors of the Peers for* Scotland.

By *Stat.* 5 *Ann c.* 8. *ſect.* 12. "None ſhall be capable to elect, but ſuch as are twenty-one Years of Age compleat, and Proteſtants, excluding all Papiſts, or ſuch who being ſuſpected of Popery, and required, refuſe to ſwear and ſubſcribe the *Formula* * contained in the third Act made in the eighth and ninth Seſſions of King *William*'s Parliament, for preventing the Growth of Popery; and none ſhall be capable to elect, except ſuch as are now capable by the Laws of this Kingdom, to elect Commiſſioners for Shires or Burghs, to the Parliament of *Scotland*."

By Stat. *6 Ann. c.* 23. *ſect.* 3. "All the Peers who meet on the Proclamation for electing the ſixteen Peers of *Scotland*, ſhall, before they proceed to the Election, and in the Preſence of the Peers

* Which ſee in Appendix, N°. XXI.

aſſembled

aſſembled, take the Oaths of * Allegiance and † Supremacy, and ſhall alſo make and ſubſcribe the ‡ Declaration in Stat. 30 *Car.* 2. *ſect.* 2. and alſo take and ſubſcribe the Oath of § Abjuration."

By *Sect.* 4 "Peers who live in *Scotland*, but not preſent at ſuch Meeting, may take the Oaths, *&c.* in any Sheriff's Court in *Scotland*; and every Sheriff or his Deputy, before whom ſuch Oaths, *&c.* ſhall be ſo made, ſhall return the original Subſcription ſigned by the Peer, and make a Return in Writing under his Hand and Seal to the Peers ſo aſſembled of ſuch Peers taking the Oaths, *&c.* and ſuch Peer ſhall be thereby enabled to make a ‖ Proxy, or to ſend a ſigned Liſt, containing the Names of the ſixteen Peers for whom he giveth his Vote: And ſuch of the Peers as reſide in *England*, may take the Oaths, *&c.* in her Majeſty's Court of *Chancery*, *Queen's Bench*, *Common Pleas*, or *Exchequer*, in *England*, which being certified by Writ to the Peers in *Scotland* at their Meeting, under the Seal of the Court, ſhall intitle ſuch Peer to make his Proxy, and to ſend a ſigned Liſt; and in caſe any of the Peers, who before the iſſuing of ſuch Proclamation have taken the Oaths, *&c.* to be certified as aforeſaid (and if taken in Parliament, to be certified under the Great Seal) ſhall at the Time of iſſuing ſuch Proclamation be abſent in the Service of her Majeſty, ſuch Peer may make his Proxy or ſend a Liſt."

By Stat. 1 *Geo. ſtat.* 2. *c.* 13. *ſect.* 17. "If any Peer ſhall vote or make his Proxy, not having

* See Appendix, N°. III. † Ibid. N°. IV.
‡ Ibid. N°. V. § Ibid N° VII.
‖ Provided that ſuch Peers of *Scotland* as are alſo Peers of *England*, ſhall ſign their Proxies by the Title of their Peerage in *Scotland*, *ſect.* 5. No Peer ſhall be capable of having more than Two Proxies. *Sect.* 6.

taken and ſubſcribed the Oath of Abjuration, he ſhall be diſabled to vote at any Election."

By Stat. 16 *Geo.* 2. *c.* 11. *Sect.* 20. "One Perſon and no more, ſhall be intitled to vote, in reſpect of the ſame Lands, and where Lands are now holden by any Baron, immediately of the King or Prince, ſuch Baron ſhall be intitled to vote for thoſe Lands; and no Vaſſal or Sub-vaſſal of the ſaid Baron ſhall have Right to vote in Reſpect thereof.

2. *The Qualifications of the elected Peers for* Scotland.

By Stat. 5 *Ann c.* 1. *ſect.* 8. *art.* 22. "Every one of the Lords of Parliament in all ſucceeding Parliaments of *Great Britain*, until that Parliament ſhall otherwiſe direct, ſhall take the Oaths * appointed to be taken inſtead of the Oaths of Allegiance and Supremacy by Stat. 1 *W. & M. ſtat.* 1. *c.* 8. and ſubſcribe and repeat the Declaration mentioned in Stat. 30 *Car.* 2. *ſtat.* and ſhall take and ſubſcribe the Oath in † Stat. 1 *Ann ſtat.* 1. *c.* 22."

By *Sect.* 12. "None ſhall be capable of being elected, but ſuch as are twenty-one Years of Age compleat, and Proteſtants, excluding all Papiſts, or ſuch who being ſuſpected of Popery, and required, refuſe to ſwear and ſubſcribe the *Formula* contained in the third Act made in the eighth and ninth Seſſion of King *William*'s Parliament, for preventing the Growth of Popery; and none ſhall be capable of being elected, except ſuch as are now capable by the Laws of this Kingdom to be elected as

* For the Form, ſee Append. N°. VII.

† See 6 *Ann c.* 7. *ſect.* 20, 21.

Com-

Commiſſioners of Shires or Burghs, to the Parliament of *Scotland.*"

By Stat. 1 *Geo. ſtat.* 2. *c.* 13. *ſect.* 17. "If any Peer ſhall vote, or make his Proxy, not having taken and ſubſcribed the Oath of Abjuration, he ſhall be diſabled to ſue in any Court of Law, or to proſecute any Suit in Equity, or to be Guardian, Executor, or Adminiſtrator, or be capable of any Legacy or Deed of Gift, or to be in any Office in *Great Britain*, and ſhall forfeit five hundred Pounds to him who will ſue for the ſame by way of Summary Complaint, before the Court of Seſſion or Juſticiary in *Scotland.*".

By Stat. 16 *Geo.* 2. *c.* 11. *ſect.* 20. "One Perſon only ſhall be intitled to be elected, in Reſpect of the ſame Lands, and where Lands are now holden by any Baron, immediately of the King or Prince, ſuch Baron ſhall be capable to be elected for thoſe Lands; and no Vaſſal or Subvaſſal of the ſaid Baron ſhall have a Right to be elected in Reſpect thereof."

3. *The Manner of & Proceedings at the Election of the Peers for* Scotland.

By Stat. 6 *Ann c.* 23. *ſect.* 1. "When the Crown ſhall declare its Pleaſure for ſummoning any Parliament; in order to the electing the ſixteen Peers of *Scotland*, a * Proclamation ſhall be iſſued under the Great Seal of *Great Britain*, commanding all the Peers of *Scotland* to aſſemble at *Edinburgh*, or ſuch other Place in *Scotland*, and at ſuch Time as ſhall be appointed in the Proclamation, to elect

* Every Proclamation for the Purpoſe aboveſaid ſhall be publiſhed at the Market-Croſs at *Edinburgh*, and in all the County Towns of *Scotland*, twenty five Days before the Time appointed for the Meeting of the Peers, *ſect.* 2. For Form ſee Append. N°. XX.

the ſixteen Peers to ſit and vote in the Houſe of Peers in the Parliament of *Great Britain.* See *Art.* 22. in Stat. 5 *Ann c.* 8. *ſect.* 1."

By *Sect.* 7. "At ſuch Meeting of the Peers they ſhall all give in the Names of the Perſons by them nominated to ſit and vote in the Houſe of Peers, and the Lord Clerk Regiſter, or two of the principal Clerks of the Seſſion appointed by him to officiate in his Name, ſhall after the Election is made, certify the Names of the ſixteen Peers elected, and ſign the ſame in the Preſence of the Peers, which Certificate ſhall by the Lord Clerk Regiſter, or two of the principal Clerks of the Seſſions, be returned into Chancery before the Time appointed for the Meeting of the Parliament."

By *Sect.* 11. "In Caſe any of the ſixteen Peers ſhall die, or become legally diſabled to ſit in the Houſe of Peers, her Majeſty ſhall forthwith iſſue a Proclamation for electing another Peer of *Scotland*, to ſit in the Houſe of Peers in the room of ſuch Peer deceaſed or diſabled."

II. COMMONERS.

This Subdiviſion admits of the ſame as thoſe of Peers did, *viz.*

1. *The Qualifications of the Electors.*
2. *The Qualifications of the Elected.*
3. *The Manner of & Proceedings at the Election.*

1. *Qualifications of the Electors of the Commoners for* Scotland.

By Stat. 5 *Ann c.* 8. *ſect.* 12. None ſhall be capable to elect, but ſuch as are twenty-one Years of

of Age compleat, and Proteſtants, excluding all Papiſts, or ſuch who being ſuſpected of Popery, and required, refuſe to ſwear and ſubſcribe the *Formula* * contained in the third Act made in the eighth and ninth Seſſions of King *William*'s Parliament, for preventing the Growth of Popery; and none ſhall be capable to elect, except ſuch as are now capable by the Laws of this Kingdom, to elect as Commiſſioners for Shires or Burghs to the Parliament of *Scotland*."

By Stat. 12 *Ann ſtat.* 1. *c.* 6. *ſect.* 1. "No Conveyance or Right, whereupon Infeoffment is not taken, and Seiſin regiſtrated, one Year before the *Teſte* of the Writs for calling a new Parliament, ſhall, upon Objection made, intitle the Perſon infeofft to vote, and in Caſe any Election happen during the Continuance of a Parliament, no Conveyance or Right, whereupon Infeoffment is not taken one Year before the Date of the Warrant for making out a new Writ for ſuch Election, ſhall, upon Objection made, intitle the Perſon infeofft to vote, or be elected at that Election; and any of the Electors, ſuſpecting any Perſon to have his Eſtate in Truſt, and for the Behoof of another, may require the Preſes of the Meeting to tender any † Oath to any Elector; and in Caſe ſuch Elector refuſe to ſwear and ſubſcribe the Oath, he ſhall not be capable of voting at ſuch Election."

By *Sect.* 3. No Infeoffment taken upon any redeemable Right (except proper Wadſets, Adjudications, or Appriſings, allowed by the Act of Parliament, relating to Elections in 1681,) ſhall

* For the Form, ſee Append N°. XXI.

† By *Sect.* 2. Notwithſtanding ſuch Oath taken, ſuch other Objections may be made as are allowed by the Laws of *Scotland*, againſt ſuch Electors.

intitle the Perſon to vote at any Election in any Shire or Stewartry."

By *Sect.* 5. "The Right of Apparent Heirs in voting by Virtue of their Predeceſſor's Infeoffments, and the Right of Huſbands by Virtue of their Wives Infeoffments, is reſerved."

By *Sect.* 7. No Huſbands ſhall vote by Virtue of their Wives Infeoffments, who are not Heireſſes, or have not Right to the Property of the Lands."

By Stat. 10 *An. c.* 19. *ſect.* 182. "No Commiſſioner, Officer, or other Perſon concerned in the managing any of the Duties granted by this Act (which is a Stamp Act) ſhall endeavour to perſuade any Elector to give, or diſſuade him from giving his Vote for his Choice of any Perſon to be Commiſſioners, and every Officer, or other Perſon offending therein, ſhall forfeit one Hundred Pounds, half to the Informer, and half to the Poor of the Place where the Offence is committed, to be recovered by any Perſon who ſhall ſue for the ſame, in the Court of Exchequer in *Scotland*; and every Perſon convicted on any ſuch Suit, ſhall be thereby incapable of bearing any Place of Truſt."

By Stat. 1 *Geo. ſtat.* 2. *c.* 13. *ſect.* 4. 17. "Every Perſon who ſhall refuſe to take the Oath of * Abjuration, or being a Quaker, ſhall refuſe or declare the Effect thereof upon his ſolemn Affirmation, (which Oath and Declaration the Member laſt Elected for any County, or Stewartry in *Scotland*, or in his Abſence, the Sheriff or Steward's Clerk, (until a Perſon be choſen to precede † in the ſaid Meeting according to *ſtat.* 3 *Car.* 2. *c.* 23. of *Scottiſh* Acts, intitled, *An Act concerning the Election of Commiſſioners for Shires*, and after ſuch Choice the Perſon ſo choſen to precede, or any Perſon choſen

* The Form thereof, ſee Appendix N°. VII.

† Examined with the Record.

to precede in any Meeting of any County or Stewartry there, in which Rolls for Elections ſhall happen to be made up,) ſhall adminiſter, at the Requeſt of any Candidate, or other Perſon preſent at ſuch Meeting for Election, before, or after chooſing the Preſident of the Meeting, or making up the Rolls) ſhall not be capable of giving any Vote for the Election of a Preſident of the Meeting, making up the Rolls, or if any Member to ſerve in the Houſe of Commons for any Place in *Scotland* or Commiſſioner to chooſe a Burgeſs for any Place there.

By Stat. 7 *Geo.* 2. *c.* 16. *ſect.* 2. "Every Freeholder who ſhall claim to vote at an Election, or in adjuſting the Rolls of Freeholders, inſtead of the Oath appointed by 12 *Ann ſtat.* 1. *c.* 6. *ſect.* 1. ſhall upon Requeſt of any Freeholder formerly inrolled, take and ſubſcribe the Oath, N°. XXII. in the Appendix.

By *Sect.* 3. "In Caſe he refuſe, his Name ſhall be eraſed out of the Roll of Freeholders; and in Caſe any Perſon ſhall wilfully and falſly ſwear, and ſubſcribe the ſaid Oath, he ſhall incur the Puniſhment of Perjury, according to the Laws in *Scotland.*"

By *Sect.* 11. "The Borough of *Wigtoun* ſhall preſide at the Election of a Member, to repreſent that Diſtrict in the next Parliament."

By Stat. 16 *Geo.* 2. *c.* 11. *ſect.* 2. "Such Perſons as ſtand upon the Roll laſt made up by the Freeholders, whether at the *Michaelmas* Meeting, or at the laſt Election of a Member to ſerve in Parliament, ſhall be the original conſtituent Members at their next *Michaelmas* Meeting, or Meeting for Election, to reviſe the ſaid Roll."

By *Sect.* 3. "Any Freeholder upon the Roll, may object to the Title of any Perſon who ſtands at preſent upon the Roll laſt made up, and for that Purpoſe apply at any Time before the firſt of *December*,

cember, 1743, by ſummary Complaint to the Court of Seſſions, who ſhall grant a Warrant for ſummoning ſuch Perſons upon thirty Days Notice, and ſhall in a ſummary Way hear and determine ſuch Complaint; and if no ſuch Complaint be exhibited within the Time aforeſaid, then no Freeholder, who at preſent ſtands upon the Rolls laſt made up ſhall be ſtruck off, or left out of the Roll, except upon Objections ariſing from the Alteration of that Title in Reſpect of which he was inrolled, ſuſtained by the other Freeholders upon the Roll."

By *Sect.* 4. "If at any *Michaelmas* Meeting, or Meeting for Election, any Perſon ſhall by Judgment of the Freeholders be refuſed to be admitted, or be ſtruck out of the Roll, he may apply within four Kalendar Months by ſummary Complaints to the Court upon whoſe Objection he was refuſed or ſtruck off, upon thirty Days Notice to anſwer, and ſhall hear and determine in a ſummary Way on ſuch Complaint; and if any Perſon be inrolled, whoſe Title ſhall be thought liable to Objections, any Freeholder upon the ſaid Roll (whether preſent at the Meeting or not) may apply in like Manner by Complaint to the Court of Seſſion within four Kalendar Months, and the ſaid Court, after Service of ſuch Complaint on thirty Days Notice upon the Perſon ſaid to be wrongfully admitted to the Roll, ſhall hear and determine; and if no ſuch Complaint be exhibited within the Time aforeſaid, the Freeholder inrolled ſhall continue upon the Roll, until an Alteration of his Circumſtances be allowed by the Freeholders at a ſubſequent *Michaelmas* Meeting, or Meeting for Election, as a ſufficient Cauſe for ſtriking him out of the Roll."

By *Sect.* 5. "If in any of the aforeſaid Caſes the Judgment of the Court of Seſſion, ſhall alter or reverſe the Determination of the Meeting of the Freeholders, the Sheriff or Steward's Clerk ſhall,

upon

upon preſenting to him the Extract of ſuch Judgment, forthwith make the Alteration directed in the Books kept by him; and in caſe of Refuſal or Delay, he ſhall forfeit one Hundred Pounds Sterling to the Perſon in whoſe favour the Judgment of the Court is given, to be recovered by him or his Executors.

By *Sect.* 6. "If the Judgment of the Freeholders refuſing to admit, or ſtriking off any Perſons from the ſaid Roll be affixed by the Court of Seſſion, the Perſon complaining ſhall forfeit to the Objector the Sum of thirty Pounds Sterling, with Coſts.

By *Sect.* 7. "Every Freeholder who intends to claim to be inrolled at any *Michaelmas* Meeting of the Freeholders, ſhall two Kalendar Months at leaſt before the ſaid Meeting, leave with the Sheriff or Steward's Clerk, a Copy of his Claim, ſetting forth the Names of his Lands and his Titles thereto, and Dates thereof, with the old Extent upon which he deſires to be inrolled, and in caſe of his Neglect he ſhall not be inrolled at ſuch Meeting; and in like Manner, whoever intends to object to any Freeholder who ſtands upon the Roll, on account of the Alteration of his Circumſtances, ſhall at leaſt two Kalendar Months before the *Michaelmas* Meeting, leave his Ojections in Writing, with the Sheriff or Steward's Clerk, who ſhall, upon Receipt of the aforeſaid Claim or Objections, indorſe thereon, the Day he received the ſame, and alſo give a Copy to any Perſon, upon paying the legal Fee of an ordinary Extract of the ſame Length."

By *Sect.* 8. "No Perſon ſhall be intitled to vote for a Commiſſioner to ſerve in Parliament for any Shire or Stewartry in *Scotland*, or to be inrolled in reſpect of the old Extent of his Lands holden of the King or Prince, unleſs ſuch old Extent is proved by a Retour of the Lands of a Date prior to

the

the ſixteenth of *September*, 1681; and no Diviſion of the old Extent made ſince the ſaid ſixteenth of *September*, 1681, by Retour or any other Way, ſhall be ſuſtained as Evidence of the old Extent."

By *Sect.* 9. "Lands holden of the King or Prince liable in public Burdens, for four hundred Pounds Scots, of valued Rent, ſhall be a ſufficient Qualification, whatever be the old Extent of the ſaid Lands."

By *ſect.* 10. "No Purchaſer or ſingle Succeſſor ſhall be inrolled till he be publicly infeofft, and his Seiſin regiſtered, or Charter of Confirmation be expede (where Confirmation is neceſſary) one Year before the Inrolment; and no Heir-apparent ſhall be inrolled, until his Predeceſſor's Titles are produced and allowed by the Freeholders; and any Perſon may be inrolled, though abſent, provided the Titles and Vouchers of his Qulification are produced before the Freeholders."

By *Sect.* 11. "At the annual Meetings of Freeholders at *Michaelmas*, the original Conſtituent Members ſhall be ſuch only as ſtand upon the Roll laſt made up, at a *Michaelmas* Meeting for an Election of a Member to ſerve in Parliament, and a Copy ſigned and extracted of the Roll made up at the *Michaelmas* Meetings, or Meetings for Elections, together with the Minutes of the Proceedings, ſhall by the Clerks of ſuch Meetings be delivered to the Sheriff or Steward's Clerk *gratis*, and ſhall be inſerted in Books to be kept by the ſaid Sheriff or Steward's Clerk for that Purpoſe, who ſhall deliver Copies of the ſame extracted and ſigned to any Freeholder paying the legal Fee for an ordinary Extract of the ſame Length, and ſhall at every ſubſequent Meeting produce the ſaid Books, for the Uſe of the Freholders; and in caſe ſuch Sheriff or Steward's Clerk neglect or refuſe to enter the aforeſaid Rolls of Election, or Minutes

of

of Proceedings into Books ſo to be kept, or to give Copies thereof extracted and ſigned, or to produce the Books at any ſubſequent Meeting, he ſhall for every ſuch Offence forfeit one hundred Pounds Sterling, to be recovered by any Freeholder within ſuch Shire or Stewartry; and if the aforeſaid principal Books be not produced, a Copy of the ſaid Roll and Minutes, extracted and ſigned by the Sheriff or Steward's Clerk, ſhall be ſufficient; and if the Sheriff or Steward's Clerk give falſe Copies of the ſaid Roll or Minutes, he ſhall for every ſuch Offence forfeit one hundred Pounds Sterling, to the Perſon to whom the falſe Copy is given to be recovered by him or his Executors, and ſhall be incapable of holding his ſaid Office."

By *Sect.* 12. "At every Election for any Shire or Stewartry in *Scotland*, the Roll of Electors laſt made up, whether at the *Michaelmas* Meeting, or at the laſt Election, ſhall be the Roll to be called over by the Commiſſioner laſt elected, or in his Abſence by the Sheriff or Steward's Clerk, in order to the Election of Preſes and Clerk, as alſo by the Preſes after he is choſen, for the Choice of the Member, and for the Determination of all Queſtions in adjuſting the Roll, and in the Courſe of the Election, excepting ſo far as the ſaid Roll ſhall after the Choice of Preſes and Clerk be altered by Judgment of the Freeholders ſtanding on that Roll."

By *Sect.* 19. "In the Shire of *Sutherland* no Perſon ſhall vote at ſuch Election unleſs he be infeofft and in Poſſeſſion of Lands liable to his Majeſty's Supplies, and other public Burthens, at the Rate of two hundred Pounds *Scots*, valued Rent."

By *Sect.* 20. "One Perſon only ſhall be intitled to vote, in reſpect of the ſame Lands; and where Lands are not holden by any Freeholder immediately

ately of the King or Prince, ſuch Freeholder ſhall be intitled to vote for thoſe Lands; and no Vaſſal, or Subvaſſal of the ſaid Freeholder ſhall have Right to vote, in reſpect thereof; and where Lands are now holden or ſhall hereafter be holden of the King or Prince, by a Peer or other Perſon, or Body Politic, who by Law are diſabled to be a Member of the Houſe of Commons, or to vote in ſuch Elections, the Proprietor of ſuch Lands, and not any of his Superiors, ſhall be intitled to vote in reſpect of the ſame Lands; and no Alienation of the Superiority by ſuch Peer, *&c.* ſhall deprive the Proprietor of his Right to vote in the ſaid Shire; nor intitle the Purchaſer of the Superiority to vote; and the Property of Lands of the Valuation aforeſaid, holden in Part of the King or the Prince, and in Part of a Peer, or other Perſon, or Body Politic incapable to elect, or to be elected, ſhall be a Qualification to the Proprietor to vote."

By *Sect.* 25. "The Magiſtrates and Counſellors of Royal Boroughs in *Scotland*, may take and ſubſcribe the Oath of Allegiance, ſubſcribe the Aſſurance, and take and ſign the Oath of Abjuration, before the Counſel of their reſpective Boroughs."

By *Sect.* 29. "It is no Objection to any Commiſſioner for chooſing a Burgeſs, that he is not a Reſidenter within the Borough, bearing all portable Charges with his Neighbours, or that he is no trafficking Merchant therein, or that he is not in Poſſeſſion of any Burgage Lands or Houſes holding of the Borough, and ſuch Qualifications need not be engroſſed in his Commiſſion."

By *Sect.* 33. "The Electors of Commiſſioners for any Royal Borough in *Scotland*, for chuſing Burgeſſes to Parliament, are within the Meaning of the 2 *Geo.* 2. *c.* 24. to be conſidered as the Electors of the Member to ſerve in Parliament."

By *Sect.* 34. "At every Election of Commiſſioners

ſioners for chooſing Burgeſſes of the ſeveral Diſtricts of Boroughs in *Scotland*, and at the Election of a Burgeſs to ſerve in Parliament for the City of *Edinburgh*, every Magiſtrate, Town Counſellor or Perſon, having or claiming a Right to vote, inſtead of the Oath preſcribed by the ſaid Act, ſhall take the Oath [in Appendix, N°. XXIII.] in caſe the ſame be demanded by any of the Electors; and which any of the Magiſtrates, or in their Abſence, any of the Town Council ſhall adminiſter."

2. *The Qualifications of the elected Commoners for* Scotland.

By Stat. 5 *Ann c.* 8. *ſect.* 1. *art.* 22. "Every Member of the Houſe of Commons, in all ſucceeding Parliaments of *Great Britain*, until the Parliament of *Great Britain* ſhall otherwiſe direct, ſhall take the Oaths * appointed to be taken inſtead of the Oaths of Allegiance and Supremacy, by 1 *Will.* and *Mar. ſtat.* 1. *c.* 8. and ſubſcribe and repeat the Declaration mentioned in 30 *Car.* 2. *ſtat.* 2. and ſhall take and ſubſcribe the Oath mentioned in 1 *Ann ſtat.* 1. *c.* 22."

By Stat. 5 *Ann c.* 8. *ſect.* 12. "None ſhall be capable of being elected, but ſuch as are Twenty-one Years of Age compleat, and Proteſtants, excluding all Papiſts, or ſuch as being ſuſpected of Popery, and required, refuſe to ſwear and ſubſcribe the *Formula* † contained in the third Act made in the eighth and ninth Seſſion of King *William*'s Parliament, for preventing the Growth of Popery; and none ſhall be capable to be elected, except ſuch as are now capable by the Laws of

* The Forms of theſe Oaths are altered by Stat. 1 *Geo.* 2. *ſtat.* 2. *c.* 13. *ſect.* 1, 2, 3. See Appendix, No. VII.

† See Appendix, No. XXI.

this

this Kingdom to be elected as Commiſſioners for Shires or Boroughs to the Parliament of *Scotland*."

By Stat. 12 *Ann ſtat.* 1. *c.* 6. *ſect.* 1. "No Conveyance or Right, whereupon Infeoffment is not taken, and Seiſin regiſtrated, one Year before the *Teſte* of the Writs for calling a new Parliament, ſhall, upon Objection made, intitle the Perſon infeofft to be elected in any Shire or Stewartry in *Scotland*; and in caſe any Election happen during the Continuance of Parliament, no Conveyance or Right, whereupon Infeoffment is not taken one Year before the Date of the Warrant for making out a new Writ for ſuch Election, ſhall, upon Objection made, intitle the Perſon infeofft to be elected at that Election; and any of the Electors, ſuſpecting any Perſon to have his Eſtate in Truſt, and for the Behoof of another, may require the *Preſes* of the Meeting to tender an * Oath to any Elector; and in caſe ſuch Elector refuſe to ſwear, and ſubſcribe the Oath, he ſhall not be capable of being elected at ſuch Election."

By *Sect.* 3. "No Infeoffment taken upon any redeemable Right (except proper Wadſetts, Adjudications or Appriſings, allowed by the Act of Parliament relating to Elections in 1681) ſhall intitle the Perſon to be elected in any Shire or Stewartry."

By Stat. 7 *Geo.* 2. *c.* 16. *ſect.* 4. "No Judge of the Court of Seſſion, or Juſticiary, or Baron of the *Exchequer* in *Scotland*, ſhall be capable of being elected a Member of the Houſe of Commons."

By Stat. 16 *Geo.* 2. *c.* 11. *ſect.* 10. "If any Perſon be choſen a Member to ſerve in Parlia-

* By *Sect.* 2. "Notwithſtanding ſuch Oath taken, it ſhall be lawful to make ſuch other Objections as are allowed by the Laws of *Scotland* againſt ſuch Electors."

ment,

ment for any Shire or Stewartry in *Scotland*, who ſhall not be preſent at the Meeting of Election; the Member ſo elected, before he takes his Seat in Parliament, ſhall take the Oath appointed to be taken by Stat. 7 *Geo.* 2. *c.* 16. *ſect.* 2. before the Lord Steward of his Majeſty's Houſhold, or any Perſon authorized by him; and if a Member ſo elected, neglect or refuſe to take the aforeſaid Oath, ſuch Election ſhall be void: And by Stat. 1 *Geo. ſtat.* 2. *c.* 13. *ſect.* 17. ſuch Member ſhall be diſabled to ſue in any Court of Law, or to proſecute any Suit in Equity, or to be Guardian, Executor, or Adminiſtrator, or be capable of any Legacy or Deed of Gift, or be in any Office in *Great Britain*, and ſhall forfeit five hundred Pounds, to him who will ſue by way of ſummary Complaint, before the Court of Seſſions or Juſticiary in *Scotland*. See Stat. 13 *Will.* 3. *c.* 6. *ſect.* 10, 11."

By *Sect.* 19. "In the Shire of *Sutherland* no Perſon ſhall be elected Commiſſioner for the ſaid Shire, unleſs he be infeofft and in Poſſeſſion of Lands liable to his Majeſty's Supplies, and other public Burthens, at the Rate of two hundred Pounds *Scots*, valued Rent."

By *Sect.* 20. "One Perſon only ſhall be intitled to be elected, in reſpect of the ſame Lands; and where Lands are now holden by any Freeholder immediately of the King or Prince, ſuch Freeholder ſhall be capable to be elected for thoſe Lands; and no Vaſſal or Subvaſſal of the ſaid Freeholder ſhall have Right to be elected in reſpect thereof; and where Lands are now holden or ſhall hereafter be holden of the King or Prince, by a Peer or other Perſon, or Body Politic who by Law are diſabled to be a Member of the Houſe of Commons, the Proprietor of ſuch Lands, and not any of his Superiors, ſhall be intitled to be elected in reſpect of the ſame Lands; and no Alienation of

the Superiority by ſuch Peer, *&c.* ſhall deprive the Proprietor of his Right to be elected, nor intitle the Purchaſer of the Superiority to be elected; and the Property of Lands of the Valuation aforeſaid, holden in Part of the King or Prince, and in Part of a Peer, or other Perſon, or Body Politic incapable to elect or to be elected, ſhall be a Qualification to the Proprietor to be elected for the ſaid Shire."

By *Sect.* 23. "No Perſon elected Magiſtrate or Counſellor by a Minority ſhall act as Magiſtrate or Counſellor; and if any Perſon notwithſtanding preſume to act, he ſhall for every ſuch Offence forfeit one hundred Pounds Sterling, to the Magiſtrates or Counſellors elected by the Minority, or to any of them who ſhall ſue for the ſame."

By Stat. 33 *Geo.* 2. *c.* 20. *ſect.* 3. "That Act requiring Members in future before they act, to deliver in at the Table, while the Houſe is ſitting, a ſigned Schedule of their reſpective Qualifications, ſhall not extend to the Members for *Scotland*."

3. *The Manner of & Proceeding at the Election of the Commoners for* Scotland.

By Stat. 16 *Geo.* 2. *c.* 11. *ſect.* 40. "When any new Parliament ſhall be called, the Lord Chancellor ſhall iſſue Writs for Election of Members to ſerve in Parliament for *Scotland* with as much Expedition as may be; and in that Caſe, or in caſe of any Vacancy during any Parliament, the Writs ſhall be delivered to the Sheriff to whom the Execution thereof belongs; and every ſuch Sheriff or Steward ſhall indorſe thereon the Day he received the ſame, and ſhall within four Days after the Receipt thereof, make out a Precept to each Borough within his Juriſdiction, to elect a Commiſſioner for chuſing a Burgeſs to ſerve in Parliament, and ſhall

ſhall cauſe the ſame to be delivered to the chief Magiſtrate of ſuch Borough, reſient in the Borough; and in caſe ſuch Sheriff or Steward neglect to indorſe on the Writ the Day he received the ſame, or to make out his Precept, and to deliver the ſame to the chief Magiſtrate, he ſhall for every ſuch Offence forfeit one hundred Pounds Sterling, to any Magiſtrate of the Borough to which the Precept is not *timeouſly* * delivered, who ſhall ſue for the ſame."

By *Sect.* 41. "Such chief Magiſtrate to whom the Precept ſhall be delivered, ſhall indorſe thereon the Day he received the ſame, and within two Days ſhall ſummon the Council of the Borough together, by giving Notice perſonally, or leaving Notice at the Dwelling-place of every Counſellor then reſient in that Borough, which Council ſhall then appoint a peremptory Day for the Election of a Commiſſioner for chooſing a Burgeſs to ſerve in Parliament."

By *Sect.* 42. "Two free Days ſhall intervene betwixt the Meeting of the Council which appoints the Day of Election of the ſaid Commiſſioners, and the Day on which the Election of the Commiſſioner is to be made; and in caſe ſuch chief Magiſtrate neglect to indorſe the Day he received the Precept on the Back thereof, or to ſummon the Council within the Time above directed, he ſhall for every ſuch Offence forfeit one hundred Pounds Sterling to any Magiſtrate or Counſellor of the ſaid Borough, who ſhall ſue for the ſame."

By Stat. 6 *Ann c.* 6. *ſect.* 5. "When any Parliament ſhall be ſummoned, the forty-five Repre-

* Lord *Bacon* makes uſe of the Adjective *timeous* in this Senſe, but not the Adverb *timeouſly*; ſo obſerve that you now have an Authority much ſuperior to Lord *Bacon*'s, to uſe the Adverb *timeouſly*, to mean, *in due Time*.

ſentatives of *Scotland* in the Houſe of Commons, ſhall be elected by Writs under the Great Seal of *Great Britain*, directed to the ſeveral Sheriffs and of the reſpective Shire and Stewartries, and the ſaid Sheriffs and Stewarts ſhall, on Receipt of ſuch Writs, forthwith give Notice of the Time of Election for the Knights or Commiſſioners for their Shires or Stewartries, and at ſuch Time of Election the ſeveral Freeholders ſhall meet at the head Burghs of their Shires and Stewarties, and proceed to the Election of their Commiſſioners or Knights, or the Clerks of the ſaid Meetings immediately after the Elections, ſhall return the Names of the Perſons elected to the Sheriff or Stewart, who ſhall annex to it his Writ, and return it into the Court out of which the Writ iſſued. And as to the Manner of Election of the fifteen Repreſentatives of the Royal Boroughs, the Sheriff of the Shire of *Edinburgh* ſhall, on the Receipt of the Writ directed to him, forthwith direct his Precept to the Lord Provoſt of *Edinburgh*, to cauſe a Burgeſs to be elected for that City; and on Receipt of ſuch Precept, the City of *Edinburgh* ſhall elect their Member, and their common Clerk ſhall certify his Name to the Sheriff of *Edinburgh*, who ſhall annex it to his Writ, and return it; and as to the other Royal Burghs divided into fourteen Diſtricts, the Sheriffs or Stewarts of the ſeveral Shires and Stewartries, ſhall on the Receipt of their Writs, direct their Precepts to every Royal Borough, reciting the Contents of the Writ, and the Date thereof, and commanding them forthwith to elect each of them a Commiſſioner, and to order the ſaid Commiſſioners to meet at the preſiding Borough of their Diſtrict (naming the Borough) upon the thirtieth Day after the *teſte* of the Writ, unleſs it be *Sunday*, and then the Day after, and then to chuſe their Burgeſs for the Parliament; and the common Clerk of the preſiding Borough ſhall immediately

mediately after the Election return the Name of the Perſon elected to the Sheriff or Stewart of the Shire or Stewartry wherein ſuch preſiding Borough is, who ſhall annex it to his Writ, and return it, and in caſe a Vacancy ſhall happen in time of Parliament, by the Deceaſe or legal Incapacity of any Member, a new Member ſhall be elected in his Room, conformable to the Method herein appointed: and in caſe ſuch Vacancy be of a Repreſentative for any one of the ſaid fourteen Diſtricts or Royal Boroughs, that Borough which preſided at the Election of the deceaſed or diſabled Member, ſhall be the preſiding Borough at ſuch new Election."

By *Sect.* 6. "Upon the iſſuing of Writs of ſummons for the electing of a Parliament, if any Shire or Stewartry, wherein a Royal Borough is, hath not then a Turn or Right to elect a Commiſſioner, or Knight of the Shire for that Parliament, it ſhall be omitted out of the Writ directed to ſuch Sheriff or Stewart, to cauſe a Commiſſioner for that Shire to be elected."

By Stat. 12 *Ann ſtat.* 1. *c.* 6. *ſect.* 4. "All Sheriffs of Shires and Stewarts of Stewartries ſhall be obliged (under the Pain of fifty Pounds, one Moiety to the Queen, and the other to the Perſon who ſhall ſue, to be recovered before the Court of Seſſion, by any Action ſummarily, without abiding the Courſe of the Roll) to make the public Intimations required by the Laws of *Scotland* at the Pariſh Churches, at leaſt three Days before the Dyet of Elections."

By Stat. 7 *Geo.* 2. *c.* 16. *ſect.* 1. and by *ſtat.* 16 *Geo.* 2. *c.* 11. *ſect.* 16. "If the Clerk of any Meeting of Freeholders for the Election of a Commiſſioner to ſerve in Parliament for any Shire or Stewartry in *Scotland*, ſhall wilfully return to the Sheriff or Stewart any Perſon, other than him who

ſhall be duly elected, or if any other Perſon pretending to be Clerk, ſhall return any Perſon as elected, who ſhall not be duly elected, the Party offending ſhall forfeit * five hundred Pounds, to be recovered by the Candidate elected,"

But *quere* whether the firſt Clauſe in Stat. 16 *Geo.* 2. is in Force at this Day, ſince by Stat. 16 *Geo.* 2. *c.* 11. *ſect.* 14. "The Perſons choſen to be *Preſes* and Clerk by the Majority of the Freeholders preſent on the ſaid Roll, ſhall be *Preſes* and Clerk of the Meeting for ſuch Election; and no Freeholders ſhall ſeparate from the Majority of the Perſons preſent upon the Roll, or ſet up any Perſon as *Preſes* or Clerk other than thoſe choſen by the Majority, and no Perſon ſhall act as *Preſes* or Clerk at any ſuch Election, unleſs they are choſen by the Majority of the Perſons on the Roll; and every Freeholder who ſhall ſo ſeparate from the Majority, and ſet up any Perſon as *Preſes* or Clerk other than thoſe choſen by the Majority, ſhall for every ſuch Offence forfeit fifty Pounds Sterling, to the Candidate who ſhall be choſen by the Majority, to be recovered by him or his Executors; and if any Perſon preſume to act as *Preſes* or Clerk who is not choſen by the Majority of the Freeholders preſent on the Roll, he ſhall for every ſuch Offence forfeit two hundred Pounds Sterling to the Candidate who ſhall be choſen by the Majority to be recovered by him or his Executors."

* By Stat. 16 *Geo.* 2. *c.* 11. *ſect.* 30. "If he neglect or refuſe to return ſuch Perſons, or returns any other Perſon, he ſhall, for every ſuch Offence, inſtead of the Penalty inflicted by *ſtat.* 7. *G.* 2. *c.* 16. *ſect.* 1. forfeit five hundred Pounds Sterling to the Candidate elected by the Majority, to be recovered by him or his Executors, and he ſhall alſo ſuffer Impriſonment for ſix Calendar Months, and be diſabled to hold his ſaid Office of Common Clerk of the ſaid preſiding Borough. It ſeems that *inſtead of*, ſhould be *beſides*. See Stat. 7. *Geo.* 2. *c.* 11. *ſect.* 8. for the Recovery of Penalties, ſee *ſect.* 6, 9, and 10. of the ſame Statute.

By

By Stat. 16 *Geo.* 2. *c.* 11. *ſect.* 28. "Whereas by an Act of Parliament in *Scotland*, of the fifth of *February*, 1707, it is enacted, that where the Votes of the Commiſſioners for the Boroughs meet to chooſe Repreſentatives ſhall be equal, the Preſident of the Meeting ſhall have a caſting Vote, but no Proviſion is made in caſe of the Abſence of the Commiſſioner from the preſiding Borough, or of his refuſing to vote, be it enacted, that if the Commiſſioner from the preſiding Borough be abſent from the Meeting of Commiſſioners for chooſing Burgeſſes to ſerve in Parliament, or refuſe to vote, the Commiſſioner from the Borough which was the preſiding Borough, at the laſt Election, and if he alſo be abſent or refuſe to vote, the Commiſſioner from the Borough, which was the preſiding Borough at the Election immediately preceding the laſt, and in caſe he be abſent or refuſe to vote, the Commiſſioner from the Borough which was the laſt preſiding Borough but Two, ſhall have beſides his own Vote the caſting Vote."

By *Sect.* 30. "At all Meetings of Commiſſioners for chooſing Burgeſſes to ſerve in Parliament, the common Clerk of the preſiding Borough ſhall allow the Votes of ſuch Perſons only who produce Commiſſions, authenticated by the Subſcription of the Common Clerk, and the Common Seal of the reſpective Boroughs, and ſhall return to the Sheriff or Steward the Perſon elected by the major Part of ſuch Commiſſioners."

By *Sect.* 32. "If any Perſon to whom any Commiſſion is made as aforeſaid, inſiſt that he was duly elected Commiſſioner for any Royal Borough, he ſhall be admitted to the Meeting of the Commiſſioners for chuſing Burgeſſes to ſerve in Parliament, and may there make offer of taking the Oaths, and declare for whom he would have voted: which Oaths the Clerk of the preſiding Bo-

rough ſhall adminiſter, and ſhall ſet down in the Minutes of the Proceedings the Declaration of ſuch Perſon, but ſhall not receive him as a legal Voter, or ſuch Declaration as a legal Vote."

By *Sect.* 43. "Every Penalty or Forfeiture by this Act impoſed in *Scotland*, ſhall be ſued for and recovered by way of ſummary Complaint before the Court of Seſſion, upon thirty Days Notice to the Perſon complained of, without abiding the Courſe of any Roll; which Complaint the Court of Seſſion ſhall determine, and declare the Diſabilities and Incapacities, and direct the Impriſonments, as herein provided."

By *Sect.* 44. "No Perſon ſhall be liable to any Incapacities, Diſability, Forfeiture, or Penalty, by this Act impoſed in *Scotland*, unleſs Proſecution be commenced within one Year after ſuch Incapacity, *&c.* incurred."

By *Sect.* 13. "At every Meeting for the Election of a Commiſſioner to ſerve in Parliament, if the Commiſſioner laſt elected, or in his Abſence the Sheriff or Steward's Clerk, ſhall, in the Choice of *Preſes* or Clerk, receive the Vote of any Perſon not upon the Roll, he ſhall, for every ſuch Offence forfeit three hundred Pounds Sterling, to every Candidate for the Office of *Preſes* or Clerk, for whom ſuch Perſon ſhall not have given his Vote, to be recovered by him, or if the Commiſſioner laſt elected, or the Sheriff or Steward's Clerk, ſhall in the Choice of *Preſes* or Clerk, not call for, or refuſe the Vote of any Perſon whoſe Name is upon the Roll, he ſhall for every ſuch Offence forfeit three hundred Pounds Sterling to the Perſon whoſe Name ſhall not be called for, or whoſe Vote ſhall be refuſed, to be recovered by him or his Executors; and if the *Preſes* in the Election of the Member to ſerve in Parliament, receive the Vote of any Perſon not upon

upon the Roll, he ſhall for every ſuch Offence forfeit two hundred Pounds Sterling, to every Candidate for whom ſuch Perſon ſhall not have given his Vote, to be recovered by him or his Executors, or if the *Preſes* ſhall in the Election of the Member, not call for or refuſe the Vote of any Perſon whoſe Name is upon the Roll, he ſhall for every ſuch Offence, forfeit two hundred Pounds to him whoſe Name ſhall not be called for, or whoſe Vote ſhall be refuſed, to be recovered by him or his Executors: And in caſe of Equalty of Votes in the Choice of *Preſes* or Clerk, the Commiſſioner laſt elected, and in his Abſence any Freholder preſent who laſt repreſented the Shire or Stewartry in any former Parliament, and if no ſuch Perſon is preſent, the Freeholder preſent who preſided laſt at any Meeting for any Election, and in his Abſence the Freeholder who laſt preſided at any *Michaelmas* Meeting, and if none of the ſaid Perſons be preſent, the Freeholder preſent who ſtands firſt on the Roll, ſhall, beſides their own Votes, have the caſting Vote; and the *Preſes* choſen ſhall, in the Choice of the Commiſſioner to ſerve in Parliament, and all other Queſtions where the Votes are equal, in like Manner, beſides his own Vote, have the caſting Vote."

By *Sect.* 15. "The Commiſſioner laſt elected, or in his Abſence the Sheriff or Steward's Clerk, ſhall ſign the Minutes of the Election of *Preſes* and Clerk, and deliver the ſame to the Clerk choſen as aforeſaid; and if the Commiſſioner laſt elected, or the Sheriff or Steward's Clerk, neglect or refuſe to ſign the ſaid Minutes, and deliver the ſame to be choſen as aforeſaid, or ſign falſe Minutes, he ſhall for every ſuch Offence forfeit one hundred Pounds Sterling to the *Preſes*, to be recovered by him or his Executors."

By *Sect.* 17. "Every Sheriff or Steward in *Scotland*, upon producing to him a Copy of the Roll laſt

laſt made up by the Freeholders at the laſt *Michaelmas* Meeting, or at the laſt Election, extracted and ſigned by the Sheriff or Steward's Clerk, and the original Minutes of the Election of *Preſes* and Clerk ſigned by the Commiſſioner laſt elected, or in his Abſence by the Sheriff or Steward's Clerk, ſhall annex to the Writ the Return made by the Clerk, choſen by the Majority of the Freeholders on the Roll; and if any Sheriff or Steward neglect or refuſe to annex to the Writ ſuch Return, or ſhall annex the Return made by any other Perſon pretending to be Clerk, he ſhall for every ſuch Offence, inſtead of the Penalty inflicted by 7 *Geo.* 2. *c.* 16. *ſect.* 1. forfeit five hundred Pounds Sterling, to the Perſon returned by the Clerk and choſen by the Majority of the Freeholders, to be recovered by him or his Executors."

By *Sect.* 18. "Every Sheriff or Steward in *Scotland*, ſhall hold the *Michaelmas* Head Court on the Day on which it has been moſt uſually held, and every Sheriff or Steward ſhall, fourteen Days before *Michaelmas* next, appoint a Day for holding his *Michaelmas* Head Court, in the Year 1743; and the Day ſo appointed before *Michaelmas* next, ſhall be the Anniverſary for holding the *Michaelmas* Head Court of the ſaid Shire or Stewartry in all Time coming."

By *Sect.* 21. "The Freeholders and Proprietors having Right to elect, or to be elected, for the Shire of *Sutherland*, ſhall meet at the Head Borough of the ſaid Shire, at the *Michaelmas* Head Court in the Year 1745, and ſhall make up a Roll of the Electors having Right to vote in the Terms of this Act, and of the other Acts touching the Election of Commiſſioners for Shires in *Scotland*; which Roll, ſo made up, ſhall be reviſed yearly at the *Michaelmas* Meeting, and at after Elections; and the ſaid Acts ſhall extend to the Shire of *Suther-*

land

land as well as the Shires in *Scotland*, except ſo far as is otherwiſe * provided in this Act.

By *Sect.* 22. "At the annual † Election of Magiſtrates and Counſellors in Boroughs, and in all the Proceedings previous to ſuch Election, the Minority either of Magiſtrates or Counſellors, or Deacons, or other Perſons who have Votes in the Election of Magiſtrates or Counſellors, ſhall not ſeparate from the Majority; nor make any ſeparate Election of Magiſtrates, Counſellors or Electors; and if any Perſon elected by the Minority preſume to vote in the Election of Magiſtrates or Counſellors, or in electing the Magiſtrates or Counſellors, or in any other Step of the Election, he ſhall forfeit one hundred Pounds Sterling, to any One of the Majority of ſuch Meeting."

By *Sect.* 24. "Any conſtituent Member at any Meeting for Election of Magiſtrates or Counſellors, or of any Meeting previous thereto, who apprehends any Wrong to have been done by the Majority of ſuch Meeting, may apply to the Court of Seſſion by a ſummary Complaint for rectifying ſuch Abuſe, or for making void the Election by the Majority, or for aſcertaining the Election by the Minority, ſo as ſuch Complaint be preſented within two Kalendar Months after the annual Election of the Magiſtrates and Counſellors; and the ſaid Court ſhall thereupon grant a Warrant for ſummoning the Magiſtrates and Counſellors elected by the Majority, upon thirty Days Notice, and ſhall hear and determine the ſaid Complaint ſummarily, without abiding the Courſe of any Roll, and ſhall allow to the Party who ſhall prevail, their Coſts."

* See *Sect.* 19. of this Act, in P. 77.

† Stat. 2 *Geo.* 2. *c.* 24. is to be read by the Sheriff, *&c.* after reading the Writ at the annual Election of Magiſtrates and Town Counſellors for every Borough in *Scotland*. See *Sect.* 9. of the ſame Statute.

By *Sect.* 26. "At every Election of Commiſſioners for chuſing Burgeſſes for any Diſtrect of Boroughs in *Scotland* the Common-clerk of each Borough ſhall make out a Commiſſion to the Perſon choſen by the major Part of the Commiſſioners and Town-council; which Magiſtrates and Town-council ſhall take the Oath of Allegiance, and ſign the ſame with the Aſſurance, and ſhall take all the other Oaths appointed to be taken at ſuch Election by this or any former Act, if required; and the ſaid Clerk ſhall affix the Common Seal of the Borough thereto, and ſign ſuch Commiſſion, and ſhall not make out a Commiſſion for any Perſon as Commiſſioner, other than him who is choſen by the Majority; and if any Common-clerk of any Borough neglect or refuſe to make out ſuch Commiſſion, or to make out a Commiſſion to any other Perſon, he ſhall for every ſuch Offence forfeit five hundred Pounds Sterling to the Perſon elected Commiſſioner, to be recovered by him or his Executors, and ſhall ſuffer Impriſonment for ſix Kalendar Months, and be diſabled to hold the ſaid Office of Common-clerk of the ſaid Borough."

By *Sect.* 27. "If any Perſon who is not the Common-clerk of the Borough, take upon himſelf to act as ſuch in any Election of a Commiſſioner for chuſing a Burgeſs for any Diſtrict of Boroughs in *Scotland*, and make out a Commiſſion for any other Perſon as Commiſſioner, other than the Perſon choſen by the Majority, and ſign or affix the Common Seal of the Borough thereto, he ſhall for every ſuch Offence forfeit five hundred Pounds Sterling, to be recovered by him or his Executors."

By *Sect.* 31. "Every Sheriff or Steward in *Scotland* ſhall annex to the Writ the Return made by the ſaid Clerk of the preſiding Borough; and if any

ſuch

ſuch Sheriff or Steward neglect or refuſe ſo to do, or if he annex to the Writ any Return made by any other Perſon, he ſhall for every ſuch Offence, inſtead of the Penalty inflicted by *7 Geo. 2. c. 16. ſect.* 48. forfeit five hundred Pounds to the Candidate returned by the aforeſaid Clerk of the preſiding Borough, to be recovered by him or his Executors."

By *Sect.* 35. "In all Elections of Commoners for chuſing Burgeſſes, and before they proceed to Election, the common Clerk of each Borough ſhall take and ſubſcribe the Oath [N°. XXV. of Appendix] which any of the Magiſtrates, or in their Abſence, any two of the Town Council ſhall adminiſter."

And at all Meetings for chuſing Burgeſſes to ſerve in Parliament, before they proceed to the Election, the Clerk of the preſiding Borough ſhall take and ſubſcribe the Oath (N°. XXIV. of Appendix) which the Commiſſioner for the preſiding Borough, or in his Abſence, any other of the Commiſſioners ſhall adminiſter."

By *Sect.* 36. "If the Clerk of the preſiding Borough neglect, or refuſe to take the Oath aforeſaid, he ſhall be incapable to act as Clerk to the ſaid Meeting; and the ſaid Commiſſioners ſhall chooſe another Clerk."

By *Sect.* 37. "At all Elections of a Member to ſerve in Parliament for any County, or Stewartry, in *Scotland*, the Clerk ſhall after his Election, take and ſubſcribe the Oath (N°. XXV. of Appendix) which the *Preſes* of the Meeting ſhall adminiſter."

By *Sect.* 39. "If any Perſon preſume wilfully and falſly to ſwear and ſubſcribe any of the Oaths required to be taken by this Act, and be convicted, he ſhall incur the Pains and Puniſhments of Perjury, and be proſecuted according to the Laws of *Scotland*."

III. WALES.

III. WALES.

By Stat. 35 *Hen.* 8. *c.* 11. *ſect.* 3. "The Burgeſſes of all the Cities and Towns in the twelve Shires in *Wales* and County of *Monmouth*, which be contributory to the Burgeſſes Wages of the Shire Towns, ſhall be admoniſhed by Proclamation, or otherwiſe by the Mayors, Bailiffs, or other Head Officers, to come and give their Elections for the ſaid Burgeſſes, at ſuch Time and Place reaſonable, as ſhall be aſſigned by the Mayors, *&c.* of the Shire-Towns, in which Elections, the Burgeſſes ſhall have like Voices to elect the Burgeſſes of the Shire-Towns, as the Burgeſſes of the Shire-Towns have." See Stat. 18 *Geo.* 2. *c.* 18. *ſect.* 12. 31 *Geo.* 2. *c.* 14. 3 *Geo.* 3. *c.* 15.

DETER-

DETERMINATIONS

OF THE

HONOURABLE HOUSE

OF

COMMONS,

CONCERNING

ELECTIONS,

AND ALL THEIR

INCIDENTS;

AS

The Iſſuing of the WRIT, the Taking of the POLL, the SCRUTINY, the RETURN, the Qualifications of the ELECTORS and ELECTED, OATHS to be taken, RIGHTS of ELECTION in the ſeveral CITIES and BOROUGHS, EVIDENCE proper on HEARING, DISQUALIFICATION by OFFICES, BRIBERY, TREATING, RIOTS.

THE WHOLE

DIGESTED UNDER THEIR PROPER TITLES;

ALSO

A TABLE OF THE PRINCIPAL MATTERS.

THE FIFTH EDITION,
Continued down to the End of the Seſſion of Parliament, 1773.

LONDON:
Printed by W. STRAHAN and M. WOODFALL, Law Printers, to his Majeſty.
For W. OWEN, between the Temple-Gates, Fleet-ſtreet.
M DCC LXXIV.

DETERMINATIONS

ON

ELECTIONS.

DETERMINATIONS ON ELECTIONS.

Abingdon.

Martis, 18 *die Januarii*, 1708.

Reſolved,

THAT the Right of electing a Burgeſs to ſerve in Parliament for the Borough of *Abingdon*, is in the Inhabitants paying Scot and Lot, and not receiving Alms, or any Charity.

Agmondeſham.

Sabbati, 11 *die Decemb.* 1680.

1. *Reſolved*, That in the Borough of *Agmondeſham*, alias *Amerſham*, in the County of *Bucks*, thoſe Inhabitants only who pay Scot and Lot have Right to give Voices in the Election of Burgeſſes to ſerve in Parliament for the ſaid Borough.

Sabbati, 1 *die Decembris*, 1705.

2. *Reſolved*, That the Right of electing Burgeſſes to ſerve in Parliament, for the Borough of *Agmondeſham*

Agmondeſham in the County of *Bucks*, is in the Inhabitants paying Scot and Lot only.

Aileſbury.

Martis, 28 *die Januarii*, 1695.

1. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Aileſbury*, in the County of *Bucks*, is in all the Houſholders of the ſaid Borough, not receiving Alms.

Martis, 7 *die Februarii*, 1698.

2. *Reſolved*, That all Perſons receiving Alms within the Borough of *Aileſbury*, purſuant to the Will of Mr. *Bedford*, or any other Perſons receiving any other Charity annually diſtributed in the ſame Town, are, in reſpect thereof, diſabled to vote in the Election of Burgeſſes to ſerve in Parliament for the ſaid Borough.

This was altered from what the Committee reported, and agreed to by the Houſe.

St. Albans.

Lunæ, 10 *die Martis*, 1700.

1. *Reſolved*, That the Right of electing Burgeſſes to ſerve in Parliament, for the Borough of *St. Albans*, is in the Moyor, Aldermen, and Freemen, and ſuch Houſeholders only as pay Scot and Lot.

Sabbati, 24 *die Novembris*, 1705.

2. *Reſolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *St. Albans*, in the County of *Hereford*, is in the Mayor, Aldermen, and ſuch Freemen only, as have a Right

to Freedom by Birth or Service, or have it by Redemption, in order to trade or inhabit within the ſaid Borough, and in the Houſeholders paying Scot and Lot.

Martis, 27 *die Aprilis*, 1714.

3. *Reſolved*, That the Right of Election of Members to ſerve in Parliament for the Borough of *St. Albans*, in the County of *Hertford*, is in the Mayor, Aldermen, and Freemen, and ſuch Houſeholders only as pay Scot and Lot.

Aldborough in Suffolk.

Veneris, 23 *die Decembris*, 1709.

1. *Reſolved*, That the Right of electing Burgeſſes to ſerve in Parliament, for the Borough of *Aldborough*, in the County of *Suffolk*, is in the Bailiffs, Burgeſſes and Freemen, not receiving Alms.

Jovis, 16 *die Junii*, 1715.

2. Mr. *Hampden*, (according to Order) reported from the Committee as follow,

Reſolved, That it is the Opinion of this Committee, that the Right of Election of Members to ſerve in Parliament for the Borough of *Aldborough* in the County of *Suffolk*, is not in the Bailiffs, Burgeſſes, and Freemen of the ſaid Borough not receiving Alms.

Reſolved, That it is the Opinion of this Committee, that the Right of Election of Members to ſerve in Parliament for the Borough of *Aldborough* in the County of *Suffolk*, is in the Bailiffs, and Burgeſſes reſident within the ſaid Borough, and not receiving Alms.

Here are four more Resolutions; who are, and who are not duly elected, &c.

The first four of the said Resolutions being severally read a second Time, the same were, upon the Question severally put thereupon, disagreed unto by the House.

Aldborough in Yorkshire. See Capacity.

Jovis, 15 die Maii, 1679.

1. *Resolved,* That all the Inhabitants of the Borough of *Aldborough* in the County of *York*, paying Scot and Lot, have only Right to vote in electing Members of Parliament for the said Borough.

Sabbati, 17 die Maii, 1690.

2. *Resolved,* That the Right of electing Burgesses to serve in Parliament for the Borough of *Aldborough*, in the County of *York*, is not only in the select Number of Burgesses holding by Burgage-Tenure in the said Borough.

3. *Resolved,* That all the Inhabitants of the said Borough of *Aldborough*, paying Scot and Lot, have Right to vote in electing of Members of Parliament for the said Borough.

Alien. See Capacity.

Jovis, 22 die Decembris, 1698.

On a Hearing for Westminster.

1. *Resolved, Nemine contradicente,* That no *Alien*, not being a *Denizen*, or naturalized, hath any Right

Right to vote at Elections of Members to ſerve in Parliament.

Alms.

Mercurii, 8 die Januarii, 1689.

1. *Reſolved*, That thoſe who receive Alms according to 43 *El. c.* 2. for the Relief of the Poor, have no Voices in Election of Burgeſſes, to ſerve in Parliament for the Borough of *Abingdon*.

2. *Reſolved*, That thoſe Inhabitants who receive any conſtant Alms, Weekly, Monthly, Quarterly, or Yearly, have no Voices in ſuch Elections.

3. *There are many Votes, in the Caſes of other Corporations, to the like Effect.*

Andover.

Jovis, 28 die Januarii, 1702.

1. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Andover* in the County of *Southampton*, is in the Bailiff and ſelect Number of Burgeſſes only.

Arundel.

Jovis, 22 die Februarii, 1693.

1. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Arundel* in the County of *Suſſex*, is only in the Inhabitants of the ſaid Borough paying Scot and Lot.

Aſhburton.

Jovis, 26 die Februarii, 1707.

1. *Reſolved*, That the Right of Election of Members to ſerve in Parliament for the Borough of *Aſhburton*, in the County of *Devon*, is in the Freeholders having Lands or Tenements holden of the ſaid Borough only.

Sabbati, 17 die Martii, 1710.

1. *Reſolved*, That the Freeholders of the Lands and Tenements, called *Halſhanger* and *Holwell* Lands, lying within the Borough of *Aſhburton*, and ſubject to pay a Borough Rent, have Right to vote for Members to ſerve in Parliament, for the ſaid Borough of *Aſhburton*.

Banbury.

Martis, 29 die Decembris, 1691.

1. *Reſolved*, That the Right of Election of a Burgeſs to ſerve in Parliament for the Borough of *Banbury*, is in the Mayor, Aldermen, and capital Burgeſſes of *Banbury* only.

Bath.

Lunæ, 27 die Januarii, 1706.

1. *Reſolved*, That the Right of Election of Citizens to ſerve in Parliament for the City of *Bath*, in the County of *Somerſet*, is in the Mayor, Aldermen, and Common-council only.

Martis,

Martis, 22 die Junii, 1742.

2. The Houſe being informed that General *Wade* (a Member of this Houſe) hath, ſince his Election to ſerve in this preſent Parliament, for the City of *Bath*, in the County of *Somerſet*, accepted the Office of Lieutenant General of his Majeſty's Ordnance: and the Opinion of the Houſe being deſired, whether by the Acceptance of the ſaid Office, his Seat in Parliament become void;

And a Motion being made, and the Queſtion being propoſed, that the accepting the Office of Maſter General, or Lieutenant General, of his Majeſty's Ordnance, by any Member of this Houſe, being an Officer in the Army, does vacate the Seat of ſuch Member in this Houſe;

The Houſe was moved, that 6 *An. c.* 7. *ſ.* 28. might be read:

And the ſame being read accordingly;

And the Queſtion being put, that the accepting the Office of Maſter General, or Lieutenant General, of his Majeſty's Ordnance, by any Member of this Houſe, being an Officer in the Army, does vacate the Seat of ſuch Member in this Houſe;

It paſſed in the Negative, *Nemine Contradicente.*

Beaumaris.

Sabbati, 18 die Februarii, 1709.

1. *Reſolved*, that the Right of Electing a Burgeſs to ſerve in Parliament for the Borough of *Beaumaris* in the County of *Angleſey*, is in the Mayor, Bailiffs, and Capital Burgeſſes of *Beaumaris* only.

Mercurii, 3 die Martii, 1729.

2. *Reſolved*, That the Right of electing a Burgeſs to ſerve in Parliament for the Borough of *Beaumaris*, in the County of *Angleſey*, is in the Mayor, Bailiffs, and Capital Burgeſſes only of the ſaid Borough of *Beaumaris*.

Bedford-Town.

Sabbati, 12 die Aprilis, 1690.

1. *Reſolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Bedford*, is in the Burgeſſes, Freemen, and Inhabitants, being Houſeholders of *Bedford*, not receiving Alms.

Great Bedwin.

Mercurii, 26 die Martii, 1729.

1. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Great Bedwin*, in the County of *Wilts*, is in the Freeholders and Inhabitants of ancient Burgage Meſſuages.

Berealſton.

Martis, 6 die Junii, 1721.

1. *Reſolved*, *Nemine contradicente*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Berealſton* in the County of *Devon*, is in the Freehold Tenants of the ſaid Borough, holding by Burgage-Tenure, and paying three Pence *per Annum*, or more ancient Burgage-

gage-Rent to the Lord of the ſaid Borough, and in them only.

2. The Houſe being acquainted, that an Indenture of Return, ſigned by the Freehold Tenants of the ſaid Borough, had been tendered to the Port-Reve of the ſaid Borough, at the Time of the Election, but that he refuſed to accept the ſame; and that one of the Perſons who had ſigned and tendered the ſaid Indenture to the Port-Reve, was at the Door;

The ſaid Perſon was called in and examined, and delivered the ſaid Indenture in to the Clerk of the Houſe; and the ſame was read at the Table.

And the Clerk of the Crown attending the Houſe in his Place (according to Order) with Return for the ſaid Borough;

Ordered, That the Clerk of the Crown do take off from the Writ the Indenture, by which *Philip Cavendiſh*, Eſq; is returned to ſerve for the ſaid Borough.

3. *Ordered* That the Port-Reve of the ſaid Borough of *Berealſton*, do execute the Indenture of Return, ſigned by the Freehold Tenants of the ſaid Borough, which was tendered to him at the Time of the Election; and that, when the ſaid Indenture is ſo executed, the Clerk of the Crown do receive the ſame, and annex it to the Writ directing the ſaid Election.

Bewdley.

Martis, 27 die Maii, 1679.

1. *Reſolved*, That all the Inhabitants of the Borough of *Bewdley* (*in Com. Worceſter*) have not a Right to vote in Elections of Members to ſerve in Parliament for the ſaid Borough.

Martis, 8 die Februarii, 1708.

2. A Motion being made, and the Queſtion being put, that *Thomas Smith*, who was about *Michaelmas*, one thouſand ſeven hundred and ſeven, choſen Bailiff of the Borough of *Bewdly*, and againſt whom an Information in the Nature of a *Quo Warranto* was brought, and Judgment given for him thereupon, was rightly Bailiff of the ſaid Borough at the Time of the Election of a Burgeſs to ſerve in the preſent Parliament; it paſſed in the Negative.

3. *Reſolved*, That *Samuel Slade*, nominated Bailiff of the Borough of *Bewdly*, by a Charter granted by her Majeſty, for maintaining the Peace and good Government of the ſaid Borough, was rightful Bailiff of the ſaid Borough, at the Time of the Election of a Burgeſs to ſerve in this preſent Parliament.

Martis, 19 die Dec. 1710.

4. *Reſolved*, That the Charter, dated the twentieth of *April*, one thouſand ſeven hundred and eight, attempted to be impoſed upon the Borough of *Bewdly*, againſt the Conſent of the ancient Corporation, is void, illegal and deſtructive of the Conſtitution of Parliament.

Martis, 24 die Januarii, 1769.

5. *Reſolved*, That the five Perſons objected to by the Counſel for the Petitioner, who were elected Burgeſſes for the Borough of *Bewdly* 31 *Aug.* 1767. had no Right to vote at the Election for Members to ſerve in Parliament, for the ſaid Borough.

Boſſinny.

Veneris, 11 *die Decembris*, 1741.

1. A Motion being made, and the Queſtion being propoſed, that the Clerk of the Crown do take off the File, the Indenture of Return of Burgeſſes to ſerve in this preſent Parliament for the Borough of *Boſſinny* in the County of *Cornwall*, ſigned by *Paſko Hoſkin*, the ſame not being ſigned by the proper Returning Officer of the ſaid Borough;

Mr. *Foſter*, one of the ſitting Members for the ſaid Borough, being preſent, withdrew.

2. *Reſolved*, That the Clerk of the Crown do take off the File, the Indenture of Return of Burgeſſes to ſerve in this preſent Parliament for the Borough of *Boſſinny*, in the County of *Cornwall*, ſigned by *Paſko Hoſkin*, the ſame not being ſigned by the proper returning Officer of the ſaid Borough.

And he took the ſame off the File accordingly.

3. *Reſolved*, That the Clerk of the Crown do annex to the Writ the Indenture of Return of Burgeſſes to ſerve in this preſent Parliament for the Borough of *Boſſinny* in the County of *Cornwall*, ſigned by *John Robins*, he being the proper Returning Officer of the ſaid Borough.

And he annexed the ſame to the Writ accordingly.

Ordered, That *Thomas Foſter* and *Richard Liddel*, Eſqrs; be at Liberty to petition this Houſe touching the Election for the ſaid Borough of *Boſſinny*, within fourteen Days next, if they think fit.

Boſton.

Jovis, 8 die Maii, 4 C. 1. 1628.

1. *Reſolved*, That the Right of Election for Burgeſſes to ſerve in Parliament for the Borough of *Boſton* (*in Com. Lincoln*) reſteth in the Commonalty and not in the Mayor, Aldermen, and Common-Council.

Jovis, 20 die Martii, 1711.

2. *Reſolved*, That it is the Opinion of this Committee, that the Right of Election of Members to ſerve in Parliament for the Borough of *Boſton* in the County of *Lincoln*, is only in the Mayor, Aldermen, Common-Council, and Freemen of the ſaid Borough, reſident in the ſaid Borough, and paying Scot and Lot.

3. *Reſolved*, That it is the Opinion of this Committee, That *William Coatſworth*, Eſq; is not duly elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Boſton* in the County of *Lincoln*.

4. *Reſolved*, That it is the Opinion of the Committee, That the honourable *Philip Bertie*, Eſq; is duly elected a Burgeſs to ſerve in this preſent Parliament for the ſaid Borough.

The firſt and ſecond Reſolution (*viz.* ſecond and third *above*) being read a ſecond time, were agreed unto by the Houſe.

The third Reſolution being read a ſecond time,

5. The Reſolution of the Houſe of the eighth of *December* laſt, relating to Lords of Parliament, and Lord-Lieutenants of Counties, concerning themſelves in the Elections of Members to ſerve for the Commons in Parliament; and alſo,

The

The Act of *W.* 3. *C.* 4. was read.

And the Queſtion being put, That the Houſe do agree with the Committee in the ſaid Reſolution,

It paſſed in the Negative.

6. *Reſolved*, That the late Election for the ſaid Borough of *Boſton* is a void Election.

Mercurii, 2 *die Martii*, 1719.

7. *Reſolved*, That the Right of Election of Members to ſerve in Parliament for the Borough of *Boſton* in the County of *Lincoln*, is only in the Mayor, Aldermen, Common-Council, and Freemen of the ſaid Borough, reſident in the ſaid Borough, and who pay Scot and Lot, ſuch Freemen claiming their Freedom by Birth or Servitude.

Brackley.

Martis, 20 *die Aprilis*, 1714.

1. *Reſolved*, That the Right of Election of Member to ſerve in Parliament, for the Borough of *Brackley* in the County of *Northampton*, is in the Mayor, Aldermen, and Burgeſſes of the ſaid Borough.

N. B. *The Reſolution of the Committee (which was amended by the Houſe) had theſe Words more than the above Reſolution*, viz. reſiding in the ſaid Borough.

Brecon.

Martis, 1 *die Aprilis*, 1697.

1. There were two Indentures affixed to the Writ for the Town of *Brecon*; the firſt, between ſome Aldermen and Burgeſſes of one Part, and the Sheriff of the other; the ſecond, between the Sheriff

riff of one Part, and the Bailiff of that Borough of the other; whereby *John Jefferies*, Esq; was returned.

Resolved That the Indenture wherein *John Jefferies*, Esq; is returned to serve in this Parliament for the Borough of *Brecon*, is well and duly returned, and by the proper Officer; and that thereupon he ought to sit, as well and duly returned to serve in this Parliament for the said Borough of *Brecon*.

Bribery and Corruption.

See PRIVILEGES, TREATING.

Veneris, 15 die Novembris, 1689.

1. *Upon special Report from the Committee of Privileges and Elections, of gross and notorious Bribery, at an Election for the Borough of* Stockbridge, *in* Com. Southampton;

Resolved, That *W. Montague*, Esq; is not duly elected a Burgess to serve in this present Parliament for the said Borough of *Stockbridge*.

2. *Resolved*, That *W. Strode*, Esq; is not duly elected, a Burgess, *&c.*

3. *Resolved*, That the said Election is a void Election.

4. *Ordered*, That *Richard Hewes*, the Bailiff, *P. Robinson*, ——*Gatehouse*, and *S. Hall*, be sent for into Custody of the Serjeant at Arms, for giving and taking Bribes at the said Election.

5. *Resolved*, That *W. Montague*, Esq; be disabled from being elected a Burgess to serve in this present Parliament for the said Borough of *Stockbridge*.

6. And a Debate arising touching the disfranchising the said Borough for ever hereafter from sending

ſending Burgeſſes to Parliament, and that inſtead thereof, two more Knights of the Shire be choſen for the County of *Southampton*;

Reſolved, That the Debate be adjourned till *Monday* Morning next, ten a Clock.

Mercurii, 27 *die Novembris*, 1689.

7. A Petition of *R. Hewes*, &c. Inhabitants of *Stockbridge*, that they were ſorry they had incurred the Diſpleaſure of the Houſe by encouraging the giving Money, and by other Irregularities at the late Election there, which they had not done, but that they were ſo near Ruin by the late King's Army continually quartering upon them, and praying the Conſideration of the Houſe, and to be diſcharged from their Confinements.

The Petitioners being called in, and ſeverely reproved by Mr. *Speaker* for their Offences, were diſcharged, paying their Fees.

Mercurii, 20 *die Decembris*, 1693.

8. *Reſolved*, That the ſaid Election for the ſaid Borough of *Stockbridge*, is a corrupt and a void Election.

9. *Reſolved*, That a Bill be brought in for diſabling the ſaid Borough of *Stockbridge*, to ſend Burgeſſes to ſerve in Parliament for the future.

And the ſaid Bill was brought in the ſame Seſſion, and read a firſt and ſecond Time, and committed.

Mercurii, 7 *die Februarii*, 1693.

10. A Petition of the Bailiff, Conſtable, and other Inhabitants of the ſaid Borough of *Stockbridge* was preſented to the Houſe, and read, Praying that the Bill may be withdrawn, and that the ancient

Frame

Frame and Conſtituion of the ſaid Borough, in ſending Members to Parliament may not be altered;

Reſolved, That the ſaid Petition be rejected.

Eodem die.

11. *Another Petition of the Bailiff and Inhabitants of the Town of* Stockbridge *praying to be heard by their Council againſt the ſaid Bill; was alſo rejected.*

12. *And the Bill was afterwards engroſſed, and read a third Time, but on the third reading, the Queſtion being put*, That the Bill do paſs;

It paſſed in the Negative. And afterwards,

Jovis, 19 *die Aprilis*, 1694.

13. A Motion being made, and the Queſtion being put, that a Warrant be now directed to the Clerk of the Crown to make out a new Writ for the electing a Burgeſs, to ſerve in this preſent Parliament for the Borough of *Stockbridge* in the County of *Southampton*, in the Room of *Richard Whitehead*, Eſq;

It paſſed in the Negative.

Sabbati, 3 *die Februarii*, 1699.

14. *Upon the Report of the Committee touching an Election for* Biſhop's Caſtle.

Reſolved, That the ſaid Election is a void Election.

15. It appearing to this Houſe, upon the ſaid Report, that the Burgeſſes of the ſaid Borough of *Biſhop's Caſtle* have been notoriouſly guilty of Bribery in the ſaid Election;

Reſolved, That no Writ do iſſue during this Seſſion for electing another Burgeſs for the ſaid Borough.

25 *die*

25 die Februarii, 1700.

16. A Petition of ſome of the unbribed Burgeſſes of *Webbly*, &c. was referred to the Committee.

Mercurii, 12, *die Martii*, 1700.

17. *Reſolved*, That it appears that Mr. *Samuel Cutting* hath endeavoured by Bribes and other indirect Practices to corrupt the Electors for the ſaid Borough.

Ordered into Cuſtody for the ſaid Offence.

Lunæ, 17 *die Martii*, 1700.

18. *Reſolved*, That the Electors of the Borough of *Andover* (*in Com. Southampton*) have endeavoured corruptly to ſet to Sale the Election of a Burgeſs to ſerve in this Parliament for the ſaid Borough.

19. *Reſolved*, That the lending of Money upon any Security to a Corporation which ſends Members to Parliament, and remitting the Intereſt of the ſame, with Intent to influence the Election of ſuch Corporation, is an unlawful and dangerous Practice.

Mercurii, 19 *die Martii*, 1700.

20. *Reſolved*, That Sir *Edward Seymour*, Baronet, has made good his general Charge againſt *Samuel Sheppard*, ſen. Eſq; of Bribery and Corruption, &c.

21. *Reſolved*, *Nemine Contradicente*, That the Thanks of the Houſe to be given to Sir *Edward Seymour*, Bart. a Member of this Houſe, for the great Service he hath done the Publick in detecting the Bribery

Bribery and Corruption which hath been practiſed in the Elections of ſeveral Members to ſerve in this preſent Parliament.

Mercurii, 16 *die Aprilis*, 1701.

22. *Mr.* Samuel Sheppard, *ſen. was expelled the Houſe, and remanded to the Tower.*

Sabbati, 28 *die Octobris*, 1702.

23. The Houſe being informed, That *George Morley*, Eſq; a Member of this Houſe, hath been guilty of Bribery, in relation to his Election for the Borough of *Hindon* in the County of *Wilts*; and he not being in the Houſe;

Ordered, That the ſaid Mr. *Morley* do attend in his Place upon *Tueſday* Morning next.

Veneris, 27 *die Novembris*, 1702.

24. The Houſe proceeding to the Hearing of the Matter of the Charge of *Thomas Jervoiſe*, Eſq; againſt *George Morley*, Eſq; and of the Petition touching the Election for the Borough of *Hindon* in the County of *Wilts*.——

And the Queſtion being put, that *George Morley*, Eſq; is duly elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Hindon* in the County of *Wilts*;

It paſſed in the Negative.

25. *Ordered*, That Leave be given to bring in a Bill for the diſfranchiſing the Borough of *Hindon* in the County of *Wilts*, from electing Members to ſerve in Parliament; and that Mr. *Harley*, the Lord *Mordaunt*, and Mr. *Scobel*, do prepare and bring in the ſame.

Martis,

Martis, 8 *die Decembris*, 1702.

26. *Reſolved*, That the late Election of Burgeſſes for the ſaid Borough of *Maidſton*, is a void Election.

27. *Reſolved*, That no Warrant do iſſue, during this Seſſion of Parliament, for the making out a new Writ for the electing Burgeſſes for the ſaid Borough of *Maidſton*.

28. *Reſolved*, That *Gervas Hely* is guilty of indirect and corrupt Practices, in order to the procuring Members to be elected to ſerve in Parliament for the ſaid Borough of *Maidſton*.

29. *Ordered*, That the ſaid *Gervas Hely*, be, for his ſaid Offence, taken into Cuſtody.

Martis, 1 *die Februarii*, 1708.

30. *Reſolved*, That it appears to this Houſe, that Mr. *William Burſlem* is guilty of Bribery and indirect Practices, *&c.*

31. *Ordered*, That the ſaid Mr. *William Burſlem* be, for his ſaid Offences, taken into Cuſtody of the Serjeant at Arms attending this Houſe.

Sabbati, 18 *die Junii*, 1715.

32. *Reſolved*, That it appears to this Houſe, that *Simon Gough* is guilty of diſtributing Money in order to procure *Paul Foley*, Eſq; to be elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Weobly* in the County of *Hereford*.

33. *Ordered*, That the ſaid *Simon Gough* be, for his ſaid Offence, taken into the Cuſtody of the Serjeant at Arms attending the Houſe.

Jovis, 4 die Februarii, 1724.

34. The Houſe proceeded (according to Order) to take into Conſideration the Matter of the Complaint (made to the Houſe the twenty-third Day of *January* laſt) that there had been ſome undue Practices in relation to the compromiſing the Election for the Borough of *Stafford*, before the Merits of the ſaid Election were heard before the Committee of Privileges and Elections.

And ſeveral Witneſſes were called in and Examined at the Bar; and then they withdrew.

Reſolved, That it appears to this Houſe, that divers indirect and corrupt Practices have been uſed in order to compromiſe the Election for the Borough of *Stafford*, before the ſame was heard before the Committee of Privileges and Elections.

35. *Reſolved, Nemine contradicente*, That it appears to this Houſe, that *Francis Elde*, Eſq; (a Member of this Houſe) has been guilty of the ſaid indirect and corrupt Practices, highly reflecting upon the Honour and Juſtice of Parliament.

36. *Reſolved, Nemine contradicente*, That the ſaid *Francis Elde*, Eſq; (a Member of this Houſe) be, for his ſaid Offence, expelled this Houſe.

Sabbati, 8 die Martii, 1728.

37. *Reſolved, Nemine contradicente*, That the Agents for *Ellerker Bradſhaw*, Eſq; have been guilty of notorious and ſcandalous Bribery and Corruption, in order to procure the ſaid Mr. *Bradſhaw*, to be elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Beverly* (*in Com. Ebor.*)

38. *Ordered*, That *John Eleanor*, one of the ſaid Agents, be, for his ſaid Offence, committed Priſoner

ſoner to his Majeſty's Gaol of *Newgate*; and that Mr. *Speaker* do iſſue his Warrant accordingly.

The like Orders upon Three others of the ſaid Agents.

Lunæ, 1° } *die Februarii*, 1768.
Veneris 5° }

Ordered, That the Mayor and the other Members of the City of *Oxford*, who by their Letters dated 12th *May* 1766, directed and delivered to their preſent Repreſentatives in Parliament, aſked for a large Sum of Money to enable them to do Juſtice to their Creditors, by paying off their preſent Bond Debts; and therein declaring, that it was requeſted, in order to prevent all Oppoſition at the next general Election of Members to ſerve in Parliament, in open Violation of the Laws and Conſtitution of this Kingdom, and in Breach of *Stat.* 2 *G.* 2. *c.* 24. That the ſaid Mayor and Members be for their Offences in ſubſcribing and ſending the ſaid Letters, committed to his Majeſty's Goal of *Newgate*.

Martis, 9° *die Februarii*, 1768.

The above Mayor and Members having, upon their Knees, received a Reprimand from Mr. Speaker, were ordered to be diſcharged, paying their Fees.

Lunæ, 15° *die Februarii*, 1768.

Ordered, That Mr. *Joſeph Hickey*, Attorney at Law, be, for his Offence of having been guilty of a corrupt Attempt to obtain a Seat in this Houſe

for a Client for whom he was employed, taken into Cuſtody of the Serjeant at Arms.

The following Order is inſerted merely for it's Singularity in diſcharging a Priſoner, *Without paying any Fees*,

Ordered, That *Robert Withy* be diſcharged out of Cuſtody, *Without paying any Fees.*

Jovis, 18° *die Februarii*, 1768.

Ordered, *Nem. Con.* That *John Reynolds*, having been guilty of divers corrupt Practices, and Negotiations, relative to Elections of Members to ſerve in Parliament, and thereby guilty of an high and flagrant Breach of the Privilege of this Houſe, be for his ſaid Offence committed to his Majeſty's Goal of *Newgate.*

Veneris, 19° *die Februarii*, 1767.

Mr. *Joſeph Hickey* having, upon his Knees, received a Reprimand from Mr. *Speaker*, was ordered to be diſcharged out of Cuſtody, paying his Fees.

Bridgewater.

Jovis, 9 *die Martii*, 1769.

1. *Reſolved*, That a Book, purporting to be an ancient Corporation Book of the ſaid Town of *Bridgewater*, which Book was found in a private Houſe in the ſaid Town, and not in the Cuſtody of any Officer of the Corporation, with whom the public Books and Papers belonging to the ſaid Town are depoſited, be not read, as an ancient Corporation Book of the ſaid Borough; and though there did not appear to be amongſt the Corporation

poration Books any one of an earlier Date than the Year 1706,

2. *Reſolved*, That the Inhabitants of the Borough of *Bridgewater*, paying Scot and Lot, have a Right to vote in the Election of Members to ſerve in Parliament for the ſaid Borough.

3. *Reſolved*, That the Mayor, Aldermen, and Capital Burgeſſes of the Borough of *Bridgewater*, not being Inhabitants paying Scot and Lot, have not Right to vote in the Election of Members to ſerve in Parliament for the ſaid Borough.

Martis, 14 *die Martii*, 1769.

4. *Reſolved*, That the Inhabitants of the Eaſtern and Weſtern Diviſions of the Pariſh of *Bridgewater* have no Right to vote, in the Election of Members to ſerve in Parliament for the ſaid Borough of *Bridgewater*, but that the Right of Election is in the Inhabitants of that Diviſion of the ſaid Pariſh which is commonly called the Borough, paying Scot and Lot within the ſaid Diviſion, and in them only.

Bridport
HARVARD
LAW SCHOOL

Sabbati, 12 *Aprilis*, 4 *C.* I. 1628.

1. *Reſolved*, That the Commonalty in General (*of the Borough of* Bridport *in the County of* Dorſet) ought to have Voices in the Election of Burgeſſes for Parliament.

2. *Reſolved*, That it is a void Election, in reſpect of the want of Warning to the Commonalty.

Martis, 2 die Martii, 1762.

3. *Reſolved*, That the Words *Commonalty in general*, in the firſt Reſolution, extend only to Inhabitants Houſholders paying Scot and Lot.

Briſtol.

Martis, 15 die Aprilis 1735.

1. *Upon a Hearing for* Briſtol, *theſe Pieces of Evidence were produced as to the Right of Election, viz.*

A Charter of *E.* 3. to the Burgeſſes of the Town of *Briſtol*, 8 *Auguſt* 40 *E.* 3. *Part read.*

Copies of ſeveral Returns, *&c.*

Copy of Letters Patents, 4to *Junii*, 34 *H.* 8.

Copies of other Returns.

Charter to the Mayor and Commonalty of the Town of *Briſtol*, 17 *December*, 15 *H.* 7. *Part read.*

Charter to the Burgeſſes of *Briſtol*, 28 *May*, 28 *E.* 1. *Part read.*

The Uſage of the City and County, in the Election of ſeveral Officers, was examined into.

Martis, 22 die Aprilis, 1735.

2. The Petitions were withdrawn, and the Order for the further Hearing diſcharged.

Buckingham.

Martis, 11 die Novembris, 1690.

1. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Buck-*

Buckingham (in Com. Bucks) is in the Bailiff and twelve Burgeſſes of *Buckingham* only.

Martis, 27 die Aprilis, 1714.

2. *Reſolved*, That *John Muſcott* is not qualified according to the Act of Parliament *for the well governing and regulating of Corporations*, to be a principal Burgeſs of the Borough of *Buckingham*, in the County of *Bucks*.

3. *The like Reſolution paſſed againſt three more of the ſame Place.*

Bury St. Edmunds.

Martis, 27 die Aprilis, 1714.

1. *Reſolved*, That the Right of Election of Members to ſerve in Parliament for the Borough of *Bury St. Edmunds* in the County of *Suffolk*, is in the Aldermen, twelve capital Burgeſſes, and twenty four Burgeſſes of the Common-Council of the ſaid Borough.

Calne.

Veneris, 22 die Decembris, 1710.

1. *Reſolved*, That the Right of Election of Members to ſerve in Parliament for the Borough of *Calne*, in the County of *Wilts*, is in the Inhabitants of the ſaid Borough, having a Right of Common, and being ſworn at *Ogborn-Court*.

Martis, 25 die Februarii, 1723.

2. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of

Calne, in the County of *Wilts*, is in the ancient Burgeſſes of the ſaid Borough only.

3. *Reſolved*, That the Right of returning Burgeſſes to ſerve in Parliament for the Borough of *Calne*, in the County of *Wilts*, is in the Guild-Stewards of the ſaid Borough.

Martis, 24 *die Februarii*, 1746.

A Complaint being made to the Houſe, at the Requeſt of the Burgeſſes of the Borough of *Calne* in the County of *Wilts*, that an undue Attempt had been made to influence them, in giving their Votes for a Member to ſerve in Parliament for the ſaid Borough, by the Promiſe of 1500 *l.* to be depoſited in a Banker's Hands for that Purpoſe to be ſpent, or diſtributed, as the major Part of the Electors ſhall think proper.

And a Letter ſigned *W. Liverland*, and dated *London*, *January* 13, 1746, directed to Mr. *William Hale*, and brought to him, as the Houſe was informed, by Mr. *Stephen Hale*, (in which Letter that Depoſit is promiſed for that Purpoſe) was brought up to the Table, and read.

Ordered, That *W. Liverland* do attend this Houſe, on this Day ſeven-night.

Ordered, That *William Hale* do attend this Houſe upon this Day ſeven-night.

Ordered, That *Stephen Hale* do attend this Houſe upon this Day ſeven-night.

Note. *Afterwards* Liverland, *not attending*, was ordered to be taken into Cuſtody, and not being found, a Proclamation, with a Reward for apprehending him, was publiſhed, in purſuance of an Addreſs for that Purpoſe.

See NEW SHOREHAM PROCEEDINGS, *Ante*, P.

Cambridge.

Jovis, 9 *die Februarii*, 1709.

1. *Reſolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the Town of *Cambridge*, is in the Mayor, Bailiffs, and Freemen not receiving Alms.

Veneris, 27 *die Maii*, 1715.

2. Mr. *Hampden* (according to Order) reported from the Committee, *&c.*

Reſolved, That it is the Opinion of this Committee, that the Mayor, Bailiffs and Burgeſſes of the Town of *Cambridge*, may hold a ſummon's Common-day Court, and admit Freemen without ſix Aldermen of the ſaid Town being then preſent.

Reſolved, &c.

Reſolved, &c.

The firſt Reſolution (*viz.* the 2d above) being read a ſecond Time, and the Queſtion being put, that the Houſe do agrée with the Committee in the ſaid Reſolution.

It paſſed in the Negative.

Camelford.

Martis, 8 *die Maii*, 1711.

1. *Reſolved*, That Mr. *Edward Cloake* is legal Mayor of the Borough of *Camelford*, in the County of *Cornwall*, and ought to make the Return of a Burgeſs to ſerve in this preſent Parliament for the ſaid Borough.

Capa-

Capacity.

See CORONER, OFFICES, QUALIFICATION.

Lunæ, 21 *die Decembris*, 1696.

1. *Reſolved*, *Nemine contradicente*, That *Henry Fairfax*, Eſq; having, contrary to *Stat.* 7 *W.* 3. *c.* 4. expended Money in order to his Election, to ſerve in this preſent Parliament for the Borough of *Aldborough* in the County of *York*, ſince the Vacancy thereof by the Death of Sir *Michael Wentworth*, is diſabled and incapacitated upon the ſaid Election to ſerve as a Burgeſs for the ſaid Borough.

Mercurii, 27 *die Januarii*, 1696.

2. *Reſolved*, That during this Seſſion of Parliament, no Warrant for a new Writ do iſſue for the electing a Burgeſs to ſerve in this preſent Parliament for the ſaid Borough of *Aldborough*, in the room of Sir *Michael Wentworth*, Bart. deceaſed.

3. Note, *In the next Seſſion the Houſe did not order a new Writ until the Borough petitioned, acknowledging*, &c. See the Votes, *Veneris*, 3 *die Dec.* 1697, and *Jovis*, 30 *die Dec.* 1697.

Jovis, 6 *die Martii*, 1711.

4. The Order of the Day being read, for taking into Conſideration the Merits of the Petition of the Freemen, and Free-Burghers of the Borough of *King's-Lynn* in the County of *Norfolk*.

And a Motion being made, and the Queſtion being put, that Counſel be called in,

In

It passed in the Negative.

5. Then the Writ for electing a Burgess for the said Borough in the room of *Robert Walpole*, Esq; expelled this House: and also the Sheriff of *Norfolk*'s Precept thereupon, and the Indenture of the Return between the said Sheriff, and the Mayor and Burgesses of the said Borough, were read.

Resolved, That *Robert Walpole*, Esq; having been this Session of Parliament committed a Prisoner to the Tower of *London*, and expelled this House for an high Breach of Trust in the Execution of his Office, and notorious Corruption, when Secretary at War, was, and is incapable of being elected a Member to serve in this present Parliament.

6. *Resolved*, That the late Election for a Burgess to serve in this present Parliament for the said Borough of *King's-Lynn*, in the County of *Norfolk*, is a void Election.

Cardigan.

See QUALIFICATION.

Jovis, 7 die Maii, 1730.

1. *Resolved*, That the Burgesses of the Borough of *Tregaron* have not a Right to Vote in the Election of a Burgess to serve in Parliament for the Town of *Cardigan*.

2. *Resolved*, That the Right of Election of a Burgess to serve in Parliament for the Town of *Cardigan*, in the County of *Cardigan*, is in the Burgesses at large of the Boroughs of *Cardigan*, *Aberystwith*, *Lampeter* and *Aipar* only.

Car-

Carmarthen.

Martis, 19 *die Martii*, 1727.

1. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Carmarthen* is in the Burgeſſes of the ſaid Borough.

Sabbati, 23 *die Martii*, 1727.

2. *Reſolved*, That the Execution of the Writ for electing a Burgeſs to ſerve in Parliament for the County-Borough of *Carmarthen*, and the making a Return thereof, are in the two Sheriffs of the ſaid Borough jointly.

Jovis, 8 *die Martii*, 1770.

3. *Reſolved*, That the Copy of a Record of the Judgment, obtained in the Year 1758, in a Cauſe between the *King* and *Roger Philips*, to ſhew that the Point of the Illegality of the Election of Mayor was then determined, be admitted to be read in Evidence.

2. *Reſolved*, That the twenty Perſons propoſed by the Counſel for the Petitioners to be added to the Poll, having been admitted Burgeſſes of the County Borough of *Carmarthen*, and enjoyed and exerciſed their Right as Burgeſſes of the ſaid Borough for twenty Years, and upwards preceding the laſt Election to ſerve in Parliament for the ſaid Borough, during the greateſt Part of which Time, the Validity of the By-Law, under the Authority whereof they were elected and admitted, was in Litigation, in Cauſes to which the ſaid twenty Perſons were no Parties, had no Right to give their Votes at the ſaid Election.

Chepſtow

Cheping-Wicombe.

Jovis, 17 die Martii, 1725.

1. *Reſolved, Nemine contradicente,* That it appears to this Houſe, that in an Entry of Burgeſſes made at the Borough or *Cheping-Wicombe* in the County of *Bucks*, dated the 20th of *May* 1717, there has been an Erazure lately made, and the Name of Captain *Pyet* inſerted, without any legal Authority.

2. *Reſolved, Nemine contradicente,* That it appears to this Houſe, that in an Entry of Burgeſſes made at the ſaid Borough of *Cheping-Wicombe*, dated the 26th of *September* 1723, an Erazure has been lately made, whereby the Name of *David Shilford*, a Burgeſs of the ſaid Borough, is eraſed.

3. *Reſolved, Nemine contradicente,* That *Sampſon Treſley* and *John Widiner*, who were admitted to vote at the late Election of a Burgeſs to ſerve in this preſent Parliament for the ſaid Borough of *Cheping-Wicombe* (having no Pretence to be Burgeſſes of the ſaid Borough, but under a Charter of King *James* the Second, which was never accepted or enrolled) have no Right of voting in Elections of Burgeſſes to ſerve in Parliament for the ſaid Borough.

Cheſter.

9 die Februarii, 1747.

1. *Reſolved,* That the Right of Election for the City of *Cheſter*, is in the Mayor, Aldermen, and Common-Council of the ſaid City, and ſuch of the Freemen of the ſaid City not receiving Alms, as ſhall have been commorant within the ſaid City, or the Liberties thereof, for the Space of one whole

Year

Year next before the Election of the Citizens, to ſerve in Parliament for the ſaid City.

Chippenham.

9 die Aprilis, 1624.

1. *Reſolved*, That the New Charter alters not the Cuſtoms; and that the Burgeſſes and Freemen, more than twelve, have Voice in the Election.

Jovis, 28 *die Januarii*, 1741.

On an Hearing.

The laſt Determination of the Houſe, concerning the Right of Electing Burgeſſes to ſerve in Parliament for the ſaid Borough, made the 9th Day of *April*, 1624, (when it was reſolved, That the new Charter altered not the Cuſtoms, and that the Burgeſſes and Freemen, more than twelve, had Voice in the Election) was alſo read.

A Motion was made, and the Queſtion being put, that in the laſt Determination of this Houſe, of the Right of Election of Members to ſerve in Parliament for the Borough of *Chippenham* in the County of *Wilts*, made the ninth Day of *April*, in the Year One thouſand ſix hundred twenty-four; which is, "That the new Charter alters not the Cuſtoms; and that the Burgeſſes and Freemen, more than twelve, have Voice in the Election," the Words *Burgeſſes and Freemen*, mean only ſuch Burgeſſes and Freemen, as are Inhabitants, Houſholders of the ancient Houſes, called Free, or Burgage Houſes within the ſaid Borough,

It paſſed in the Negative.

Cir-

Cirencester.

Martis, 4 *die Novembris*, 1690.

1. *Reſolved*, By the Committee, That the Inhabitants of the Borough of *Cirenceſter* (*in Com. Glouceſter*) receiving a charitable Donative, commonly called *By-Money*, have not a Right to vote in electing Burgeſſes to ſerve in Parliament.

2. *Reſolved*, That the Inhabitants of the Borough of *Cirenceſter* being Inmates, have no Right to vote in electing Burgeſſes to ſerve in Parliament.

Upon the Queſtion, the Houſe did not agree unto the firſt Reſolution, but agreed unto the ſecond.

Jovis, 8 *die Decembris*, 1709.

3. The Queſtion being put, that the Inhabitants of the *Abby*, the *Emery*, and the *Spiringate-Lane*, (not receiving Alms) having a Right to Vote, in electing Members to ſerve in Parliament for the Borough of *Cirenceſter* (*Com.* Glouceſter.)

It paſſed in the Negative.

Colcheſter.

Sabbati, 28 *die Martii*, 1696.

1. *The Committee reported*, That the Right of Election for *Colcheſter*, in *Eſſex*, was agreed to be in the ſworn Burgeſſes, not receiving Alms.

Sabbati, 27 *die Januarii*, 1710.

2. *Reſolved*, That the Mayor of the Borough of *Colcheſter* in the County of *Eſſex*, cannot make Fore-

Foreigners Free of the ſaid Borough, without Conſent of the Majority of the Aldermen and Common-Council.

Jovis, 6 die Maii, 1714.

3. *Reſolved*, That the Right of making Foreigners (not having a Right of Freedom by Birth or Service) Freemen of the Borough of *Colcheſter* in the County of *Eſſex*, is in the Mayor and free Burgeſſes of the ſaid Borough, in Common-Hall aſſembled.

Coroner.

Veneris, 11 die Januarii, 1694.

1. *Reſolved*, That *Jaſper Mawdit*, Eſq; is duly elected a Burgeſs to ſerve in this preſent Parliament, for the Borough of *Liverpool* in the County of *Lancaſter*.

2. *Reſolved*, That Mr. *Alexander Norris*, Mayor of the Borough of *Liverpool* in the County of *Lancaſter*, having taken upon him to judge, that *Jaſper Mawdit*, Eſq; being Coroner of the ſaid Borough, was uncapable to be elected a Burgeſs to ſerve in Parliament (altho' duly choſen) and having made a falſe Return of *Thomas Brotherton*, Eſq; to ſerve as a Burgeſs for the ſaid Borough, hath therein violated the Rights of the Commons of *England*, and broken the Privileges of this Houſe.

3. *Reſolved*, That the ſaid *Alexander Norris*, for the ſaid Miſdemeanor, be ſent for in Cuſtody of the Serjeant at Arms attending this Houſe.

Coſts

Costs and Expences.

See PETITION vexatious.

Sabbati, 9 die Martii, 1699.

1. A Petition of *Thomas Hawksly* and *Roger Hunt*, Overseers for the Poor of *Nottingham*, was presented to the House and read, praying, that they may be relieved for their Charges in coming to town, their Expences here, and returning home, being summoned to attend the Committee of Privileges and Elections by *George Gregory*, Esq; Petitioner against *Robert Sacheverel*, Esq;

Ordered, That the said Mr. *Gregory* do pay the Petitioners their reasonable Charges, to be settled by the Chairmen of the said Committee.

Sabbati, 22 die Martii, 1711.

2. A Complaint being made to the House, that Mr. *John Cunningham* was summoned in behalf of Major-General *Hamilton* to attend the Committee of Privileges and Elections, to testify his Knowledge touching the late Election of a Member to serve in Parliament for the Burghs of *Pittenween*, *Anstruther-Easter*, *Anstruther-Wester*, *Crail*, and *Kilrenny*, that Major General *Hamilton* refuses to pay him his reasonable Charges for his Journey and Attendance. And a Copy of the said Summons being brought up to the Table and read,

Ordered, That the said *John Cunningham* have his reasonable Charges for his Journey, and Attendance on the said Committee; and that the same be ascertained by the Chairman of the said Committee.

Jovis, 8 die Septembris, 1715.

4. A Petition of *Anne Cater* of *Eaſtow* in the County of *Bedford*, Widow, *John Purton* of *Kempſton*, *James Coot* of *Eaton Sacon*, and *Stephen Norman* of *Felmerſham* in the County of *Bedford*, was preſented to the Houſe, and read, praying that they may be relieved for their Charges in coming up and ſtaying in Town (being ſummoned up as Witneſſes by *John Harvey*, Eſq;) to attend the hearing the Merits of the Election for the County of *Bedford*, at the Bar of the Houſe, they having deſired him to give them reaſonable Satisfaction, which he hath refuſed to do.

Ordered, That the ſaid Mr. *Harvey* do pay the Petitioners their reaſonable Charges, to be ſettled by Mr. *Speaker*.

Martis, 18 die Junii, 1717.

5. A Petition of *Thomas Prowſe*, Steward of the Manor of *Minehead*, in the County of *Somerſet*, was preſented to the Houſe and read, complaining that he was required by Warrant from Mr. *Speaker*, to permit *George Speke*, Eſq; or his Agents, to inſpect the Court-Rolls, and other Records of the ſaid Manor, and to take out ſuch Copies and Notes therefrom as they ſhould think fit, and to attend this Houſe the thirteenth Inſtant with the ſaid Court Rolls, and Records; and that he did produce the ſaid Court-Rolls and did appear and was examined: but that the ſaid Mr. *Speke*'s Agent refuſeth to give him reaſonable Satisfaction for the ſame; and praying that he may be relieved therein.

Ordered, That the ſaid *Thomas Prowſe* be paid his reaſonable Charges to be ſettled by Mr. *Speaker*.

Coven-

Coventry.

Martis, 24 die Februarii, 1701.

1. *Reſolved*, That the Freemen of *Coventry* receiving Alms or Charity, have no Right to vote in the Election of Citizens to ſerve in Parliament for the City of *Coventry*.

Martis, 1 die Martii, 1708.

On a Hearing.

2. A Book being produced (alledged to be a Book of the Company of Fullers in the City) to prove that they are a Company or Corporation within the ſaid City.

A Motion being made, and the Queſtion being put, that the ſaid Book be received as Evidence.

It paſſed in the Negative.

3. *Reſolved*, That the Right of electing Citizens to ſerve in Parliament for the City of *Coventry*, is in ſuch Perſons who have ſerved Apprenticeſhips for ſeven Years within the City, to one and the ſame Trade, not receiving Alms or conſtant Charities.

4. The Petitioners Council proceeding in order to diſqualify ſeveral of the Sitting Member's Votes, upon account of their having received Pariſh Charities; and the Sitting Member's Council inſiſting, that they have not been able to make any Diſcovery of what Perſons (on the Petitioners part) have received the Charities of the Sacrament Money and Bread-Money, ſo as to make Objections to the Petitioners Votes, upon that Account, the Miniſter and Church-wardens alledging they kept no Ac-

count of the ſame, and Witneſſes being examined in relation to that Matter.

A Motion being made and the Queſtion being put, that the Petitioners Counſel be admitted to give Evidence to diſqualify any of the Sitting Member's Votes, upon account of receiving Sacrament-Money, or Bread-Money.

It paſſed in the Negative.

5. A Motion being made, and the Queſtion being put, that Perſons receiving Sir *Thomas White*'s Gift, are thereby diſabled from giving their Votes in electing Citizens to ſerve in Parliament for the City of *Coventry*.

It paſſed in the Negative.

Jovis, 3 die Martii, 1708.

6. A Motion being made, and the Queſtion put, that Perſons receiving *Thomas Wheatly*'s Gift, are thereby diſabled from giving their Votes in electing Citizens to ſerve in Parliament for the City of *Coventry*.

It paſſed in the Negative.

Jovis, 13 die Martii, 1711.

7. *Reſolved*, That the Members of the Company of Fullers of the City of *Coventry*, being Freemen, not receiving Alms, or weekly Charity, have a Right to Vote in the Elections of Members to ſerve in Parliament for the ſaid City.

8. *Reſolved*, That ſuch Freemen of the City of *Coventry*, as do not receive Alms or weekly Charity, and have ſerved ſeven Years Apprenticeſhip within the ſaid City or the Suburbs thereof, have a Right to vote in the Elections of Members to ſerve in Parliament for the ſaid City.

Lunæ,

Lunæ, 19 *die Novembris*, 1722.

9. *Reſolved*, That the Sitting Member's Counſel be admitted to give Evidence touching the Qualification of ſuch Perſons as have a Right to Vote in the Elections of Citizens to ſerve in Parliament for the City of *Coventry*.

Martis, 20 *die Novembris*, 1722.

10. *Reſolved*, That the Right of Election of Citizens to ſerve in Parliament for the City of *Coventry*, is in ſuch Freemen as have ſerved ſeven Years Apprenticeſhip to one and the ſame Trade in the ſaid City or the Suburbs thereof, and do not receive Alms or weekly Charity, ſuch Freemen being duly ſworn and enrolled.

Martis, 22 *die Martii*, 1736.

On a Hearing.

11. *The next foregoing Reſolution* (of 20th *November* 1722,) *was read*; and alſo,

The ſtanding Order of 16th *January*, 1735, for reſtraining Counſel from offering Evidence touching the Legality of Votes contrary to the laſt Determination of the Houſe of Commons.

See Title RIOTS, *of this Date.*

Cricklade.

Sabbati, 22 *die Februarii*, 1695.

1. *The Committee reported*, that it was agreed that the Right of Election for the Borough of *Cricklade* (*in Com. Wilts*) was in the Freeholders,

Copyholders, and Leaſeholders, for not leſs than three Years.

2. *There is not in the Printed Votes of that Day any mention of the Right of Election: But there is a Reſolution,* That the Petition of the Burgeſſes complaining of an undue Election for the ſaid Borough is vexatious, frivolous, and groundleſs.

Cumberland.

Jovis, 6 die Aprilis, 1769.

1. *Reſolved,* That it appears to this Houſe, that Sir *Gilfred Lawſon,* Baronet, late High Sheriff of the County of *Cumberland,* did, at the laſt Election of Knights of the Shire to ſerve in Parliament for the ſaid County, unduly return Sir *James Lowther,* Baronet, contrary to the Majority of Votes received by him upon the Poll; and did, after the Poll was cloſed, take upon himſelf to reject ſeveral Votes, which had been received upon the Poll, in Favour of *Henry Fletcher,* Eſq; in order to create a Majority in favour of Sir *James Lowther,* Baronet, without hearing Counſel, or admitting Evidence, in favour of the ſaid Votes, at the Time of rejecting them, notwithſtanding his Promiſe to hear ſuch Counſel, and receive Evidence in their Support.

2. *Reſolved,* That the ſaid Sir *G. L.* hath thereby acted partially and illegally, in manifeſt Violation of the Rights of the Freeholders of the ſaid County, and in Breach of the Privilege of this Houſe.

3. *Reſolved,* That the ſaid Sir *G. L.* be for his ſaid Offence taken into the Cuſtody of the Serjeant at Arms attending this Houſe.

Dart-

Dartmouth.

alias Clifton-Dartmouth-Hardneſs.

Jovis, 21 *die Novembris*, 1689.

1. The Committee reported, that it appeared the Right of Election for the Borough of *Dartmouth*, alias *Clifton-Dartmouth-Hardneſs* (*in Com. Devon.*) was in the Freemen of the ſaid Borough.

2. *Reſolved*, *Nemine contradicente*, that twenty-five new Freemen, made after the Writ bore *Teſte*, were not duly nor legally made, agreed to by the Houſe.

3. *Ordered*, That Mr. *Whitrow*, the late Mayor, be taken into Cuſtody for his Miſdemeanors in making the ſaid Freemen.

Denbigh.

Martis, 25 *die Novembris*, 1740.

The Houſe being informed that Sir *Watkyn Williams Wynn*, Bart. a Member of this Houſe, hath accepted the office of Steward of his Majeſty's Lordſhips and Manors of *Bromfield* and *Yale*, in the County of *Denbigh*, now come to him on the Death of his Father, Sir *William Williams*, Bart. by Virtue of a Grant from Queen *Anne*; and that the ſaid Sir *Watkyn Williams Wynn*, deſired the Opinion of the Houſe, whether his Seat in this Houſe was thereby vacated.

And the Houſe being informed, that Mr. *Thomas Gilbert* attended at the Door, with a Copy of the ſaid Grant, he was called in, and at the Bar produced the ſame.

And then he withdrew.

And the Copy of the ſaid Grant, dated the ſixth Day of *April*, in the third Year of her ſaid Majeſty's Reign, was read; whereby the Queen (reciting a Grant of the ſaid Office, by King *Charles* the Second, to *Henry Wynn*, Eſq; for his Life; and after his Deceaſe, to his Son, *John Wynn*, Eſq; for his Life; and alſo reciting the Death of the ſaid *Henry Wynn*) granted the ſaid Office to Sir *William Williams*, Bart. deceaſed, for his Life, to have the ſaid Office immediately after the Deceaſe of the ſaid *John Wynn*; and alſo to his Son, now Sir *Watkyn Williams Wynn*, for his Life, for him the ſaid *Watkyn Williams Wynn* to have, enjoy, and exerciſe the ſaid Office immediately after the Deceaſe of the ſaid Sir *William Williams*, with an annual Salary of twenty Pounds, and with all Profits to the ſaid Office belonging.

And the 6 *An. c.* 7. *ſ.* 26. whereby the Election of any Perſon, who being choſen a Member of the Houſe of Commons, ſhall accept of any Office of Profit from the Crown, is declared to be void, was alſo read. For the Order, *See* Offices.

On an Hearing.

Lunæ, 22 die Februarii, 1741.

They examined ſeveral Witneſſes, and produced Evidence, in order to prove, that the Sheriff of the ſaid County was guilty of great Partiality, in favour of the ſitting Member, by obliterating and interlining an Aſſeſſment of the Land-Tax for the Year 1740, in which *John Jones* was rated for his Freehold, and afterwards objecting to his Vote at the ſaid Election, for not being rated for the ſaid Freehold; by unneceſſarily protracting the Poll; by objecting to the Votes of many Freeholders,

of

on account of Non-reſidence within the ſaid County; by querying the Votes of ſeveral Freeholders, who voted for the Petitioner Sir *Watkyn Williams Wynn*, Bart. and admitting, without a Query, the Votes of ſeveral Freeholders, who voted for the ſitting Member, though liable to the ſame Objections; by querying many Votes upon Suggeſtion only, and ſome by private Direction to his Under-ſheriff; by declaring, at the Cloſe of the Poll, what Majority appeared for the ſaid Petitioner, and delivering to each Candidate a Paper, containing the Numbers of their reſpective Voters, and alſo, when a Scrutiny was demanded on the Behalf of the ſitting Member, refuſing to grant it, becauſe the whole Election had been a Scrutiny; yet, when a Return of the ſaid Petitioner was demanded, refuſing then to make it on Pretence of Fatigue, and of his Doubt concerning the Objection of Non-reſidence, and adjourning the County Court to a certain Time and Place, with Promiſes to do the ſaid Petitioner Juſtice, when he had looked into his Notes, and to give him Notice of the Return; yet afterwards, before the Day of Adjournment, privately, and without ſuch Notice, making a Return of the ſitting Member, though, if all the queried Votes on both Sides had been diſallowed, the ſaid Petitioner had a conſiderable Majority.

Martis, 23 die Februarii, 1741.

Reſolved, That *William Myddleton*, Eſq; High Sheriff of the County of *Denbigh* at the laſt Election of a Knight of the Shire to ſerve in Parliament for the ſaid County, having taken upon himſelf to return *John Myddleton*, Eſq; as Knight of the Shire to ſerve in this preſent Parliament for the ſaid County, contrary to the Majority of Votes receiv-

ed

ed by him upon a Poll, and to his own Declaration of the Numbers at the close of the Poll, without any subsequent public Examination into the Rights of the Voters, previous to such Return, and having afterwards presumed to alter the said Poll, in order to give a Colour to such Return, has acted partially, arbitrarily, and illegally, in Defiance of the Laws, in manifest Violation of the Rights of the Freeholders of the said County, and in Breach of the Privilege of this House.

Ordered, That the said *William Myddleton*, Esq; be, for his said Offence, committed Prisoner to his Majesty's Gaol of Newgate; and that Mr. Speaker do issue his Warrants accordingly.

Resolved, That an humble Address be presented to his Majesty, that he will be graciously pleased to give Directions for removing the said *William Myddleton*, Esq; from being Receiver-General of the Land Revenue in *North Wales*, and also from being one of his Majesty's Justices of the Peace for the County of *Denbigh*, and for the County of *Flint*.

Ordered, That the said Address be presented to his Majesty, by such Members of this House as are of his Majesty's most Honourable Privy Council,

Mercurii, die Februarii, 1741.

Ordered, That the Resolution of this House of Yesterday, that *William Myddleton*, Esq; High Sheriff of the County of *Denbigh*, at the last Election of a Knight of the Shire to serve in Parliament for the said County, having taken upon himself to return *John Myddleton*, Esq; as Knight of the Shire to serve in this present Parliament for the said County, contrary to the Majority of Votes received by him upon the Poll, and to his own Declaration of the Numbers at the Close of the Poll, without

out any publick ſubſequent Examination into the Rights of the Voters, previous to ſuch Return, and having afterwards preſumed to alter the ſaid Poll, in order to give a Colour to ſuch Return, has acted partially, arbitrarily, and illegally, in Defiance of the Laws, in manifeſt Violation of the Rights of the Freeholders of the ſaid County, and in Breach of the Privileges of this Houſe, be humbly laid before his Majeſty by ſuch Members of this Houſe as are of his Majeſty's moſt Honourable Privy Council, at the ſame Time that they preſent to his Majeſty the Addreſs of this Houſe, Yeſterday reſolved to be preſented to his Majeſty, that he will be graciouſly pleaſed to give Directions for removing *William Myddleton*, Eſq; from being Receiver-General of the Land Revenue in *North Wales*, and alſo from being one of his Majeſty's Juſtices of the Peace for the County of *Denbigh*, and for the County of *Flint*.

Jovis, 25 *die Februarii*, 1741.

Mr. *Comptroller* reported to the Houſe, that his Majeſty had been attended with the Reſolution and Addreſs of this Houſe relating to *William Myddleton*, Eſq; and that his Majeſty had commanded him to acquaint this Houſe, that his Majeſty will give Directions for doing what is deſired by this Houſe.

Lunæ, 12 *die Aprilis*, 1742.

A Petition of *William Myddleton*, High Sheriff of the Shire of *Denbigh*, was preſented to the Houſe, and read; ſetting forth that the Petitioner was, on the twenty-third Day of *February*, ordered by this Houſe, to the Cuſtody of the Keeper of his Majeſty's Gaol of *Newgate*, and did, the next Day, in con-

conſequence of ſuch Order, ſurrender himſelf to the Serjeant at Arms, attending this Houſe, and was immediately carried to the ſaid Gaol, where he has remained in cloſe Confinement ever ſince, whereby his Health has been much impaired; and that ſuch Confinement, longer continued, may be the Means of indangering his Life; and that the Petitioner is extremely ſorry, and humbly begs Pardon for having given Offence to this Houſe; and therefore praying the Houſe to take the Premiſſes into Conſideration, and that the Petitioner may be diſcharged out of Cuſtody.

Ordered, That the ſaid *William Myddleton*, Eſq; committed Priſoner by this Houſe, to his Majeſty's Gaol of *Newgate*, upon *Tueſday*, the twenty-third Day of *February* laſt, be brought to the Bar of this Houſe to-morrow Morning, in order to his being diſcharged out of Cuſtody; and that Mr. Speaker do iſſue his Warrants accordingly.

Martis, 7 die Februarii, 1743.

Ordered, That Mr. *William Nock* and Mr. *Robert Dyer*, Clerks of the Secretary of the Commiſſioners of the Stamp-Duties, do immediately attend this houſe with the Book, or Books, belonging to the Stamp-Office, wherein the Impreſſions of the ſeveral Stamp-Duties entered, in order to the producing of the ſaid Book or Books, at the Hearing of the Matter of the Petition of *Arthur Trevor*, Eſq; and the ſeveral Perſons whoſe Names are thereunto ſubſcribed, ſeverally complaining of an undue Election and Return for the Borough of *Denbigh*, in the County of *Denbigh*; the Matter of which Petitions is appointed to be heard at the Bar of this Houſe, this Day.

Reſolved, That the Right of Election of a Burgeſs to ſerve in Parliament for the Borough of *Den-*

bigh

bigh, in the County of *Denbigh*, is in the Burgeſſes, Inhabitants, of the Boroughs of *Denbigh*, *Ruthyn*, and *Holt*, reſpectively.

Note, This Hearing laſted many Days, and the Evidence, Objections, *&c.* on both Sides, mentioned in the printed Votes, amount to many Pages, which we thought too voluminous for our preſent Purpoſe, as no ſpecial Reſolution was made; the Whole concluding only with a general Reſolution, that the ſitting Member was duly elected.

Devizes.

Sabbati, 29 *die Martii*, 1690.

1. A double Return for the Borough of *Devizes* (*in Com. Wilts*) one by the Mayor without any Burgeſſes joining in the Return; the other by ſeveral of the Burgeſſes without the Mayor.

Reſolved, That Sir *Thomas Fowles* and *Walter Grubb*, Eſq; returned by the Mayor, are duly returned to ſerve in this preſent Parliament for the Borough of the *Devizes*.

Dorcheſter.

Martis, 17 *die Maii*, 1720.

1. *Reſolved*, That that Part of the Pariſh called the *Holy Trinity*, alias *Dorcheſter Trinitatis*, which was formerly the Pariſh of *Froome Whitfield*, is no Part of the Borough of *Dorcheſter* in the County of *Dorſet*.

2. *Reſolved*, That the Tithing of *Collington Row*, within the Pariſh of the *Holy Trinity*, alias *Dorcheſter Trinitatis*, is no Part of the Borough of *Dorcheſter* in the County of *Dorſet*.

Mercurii,

Mercurii, 18 *die Martii*, 1720.

3. *Reſolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Dorcheſter* in the County of *Dorſet*, is in the Inhabitants of the ſaid Borough, paying to Church and Poor, in reſpect of their perſonal Eſtates; and in ſuch Perſons as pay to Church and Poor, in reſpect of their real Eſtates within the ſaid Borough.

4. *And* Thomas Pitman, *the Mayor, was ordered into Cuſtody for illegal and arbitrary Practices at the Election.*

Dover.

Martis, 1 *die Aprilis*, 1679.

1. The Writ was directed, *Conſtabulario Caſtri Dover ac Cuſtod. quinque Portuum vel ejus Locumtenenti ibidem*; indorſed thus, *Executio iſtius Brevis patet in quibuſdam Schedulis huic Brevi annex.—Reſponſio Johannis Strode Arm. Locumtenentis Domini Regis Caſtri Dover*, &c.

To the Writ was affixed,

1. A Precept made by the ſaid *John Strode*, Eſq; to the Mayor, Jurats, and Commonalty of the Town and Port of *Dover*, &c. to chooſe two Barons, which Precept was indorſed thus; *Executio iſtius mandati patet in quadem Indentura huic Præcept: annex. per Major. Jurat. & Communitat. Ville & Port. de Dover prædict. in Comitatu prædict.*

There was alſo affixed to the ſaid Writ an Indenture between the ſaid *John Strode* of one Part and the Mayor, Jurats and Commonalty of *Dover* of the other Part, witneſſing that they had choſen *William Stokes* and *Thomas Papillion*, Eſqrs; *&c.* in Witneſs whereof they had cauſed their Common Seal

Seal to be affixed thereto; and accordingly a large Seal was affixed to the ſaid Indenture.

There was alſo affixed to the ſaid Writ a Writing purporting an Indenture, but made between no Body; witneſſing, that the Mayor, Jurats, and Barons of the Town and Port of *Dover*, in a full Hundred there; that is to ſay, *George Weſt*, Deputy-Mayor, *J. V.* and *A. W.* Jurats, Five of the Common-Council, and Ten others ſtiled Barons of the ſaid Port, have choſen *Thomas Papillion*, Gent. and *John Strode*, Eſq; our Common-Barons: In-Witneſs whereof We, the Mayor, Jurats, and Barons of the Port aforeſaid, have put our Hands and Seals. It was ſubſcribed by *George Weſt*, Duputy-Mayor, and ſeventy others, and eighteen Seals affixed at the Bottom; but no great or common Seal to it, or mentioned ſo to be.

Reſolved, That the Indenture wherein *William Stokes*, Eſq; and *Thomas Papillion*, Eſq; are returned, *&c.* is well and duly returned, and by the proper Officer; and thereupon they ought to ſit as duly returned, to ſerve in this Parliament for the ſaid Town and Port of *Dover*.

Lunæ, 12° *die Martii*, 1770.

Reſolved, (by the Committee) That the *non*-inhabitant Freemen, as well as the inhabitant Freemen, and free Burgeſſes, of the Town and Port of *Dover*, have Voice in the Election of their Barons to ſerve in Parliament.

Droitwich.

Martis, 11 *die Novembris*, 1690.

1. *Reſolved* That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Droitwich*, (*in Com. Worceſter*) is in the Burgeſſes of

of the Corporation of the Salt-Springs of *Droitwich*

Dumbarton.

Sabbati, 23 die Januarii, 1724.

1. *Reſolved, Nemine contradicente,* That any Conveyance of undivided Shares of the Superiority of any Lands in the Shire of *Dumbarton*, in order to multiply Votes, or ſplit an Intereſt in ſuch Superiority amongſt ſeveral Perſons, with a View to enable them to vote, is contrary to the Act of Parliament made in *Scotland*, in One thouſand ſix hundred and eighty-one, intitled, *An Act concerning the Election of Commiſſioners for Shires.*

2. *Reſolved, Nemine contradicente,* That no Perſon claiming a Right by Purchaſe to an undivided Part of the Superiority of any Lands where the Extent of the Lands, of which he claims the Superiority, is not particularly ſpecified, and the Land diſtinguiſhed by the Charter by which he claims a Vote, has any Right to vote in the Election of a Commiſſioner to ſerve in Parliament for the Shire of *Dumbarton.*

Dunheved. See **Launceſton.**

Dunwich.

Martis, 22 die Decembris, 1691.

1, *Reſolved,* That the Right of Electon of Burgeſſes to ſerve in Parliament for the Borough of *Dunwich* in the County of *Suffolk*, is not in the Freemen of the ſaid Borough, commonly called Out-ſitters, as well as in the Freemen inhabiting within the ſaid Borough.

2. *Reſolved,* That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Dun-*

Dunwich, is only in the Freemen inhabiting within the ſaid Borough.

Lunæ, 25 *die Novembris*, 1695.

3. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in this preſent Parliament for the Borough of *Dunwich* in the County of *Suffolk*, is in the Freemen of the ſaid Borough commonly called Out-ſitters, as well as in the Freemen inhabiting within the ſaid Borough.

Sabbati, 5 *die Februarii*, 1708.

4. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Dunwich* (*in Com. Suffolk*) is only in the Freemen inhabiting within the ſaid Borough, not receiving Alms.

Durham.

Martis, 11 *Maii*, 1762.

1. *Reſolved*, That the 215 Perſons, made or pretended to be made free of the City of *Durham*, ſince the Death of *Henry Lambton*, Eſquire, late Member of Parliament for the ſaid City, had not a Right to vote in the late Election of a Citizen to ſerve in Parliament for the ſaid City.

East-Grinſtead.

Lunæ, 7 *die Aprilis*, 1679.

1. *Reſolved*, That the Borough of *Eaſt-Grinſtead*, in the County of *Suſſex*, is an ancient Borough by Preſcription.

2. *Reſolved*, That the Inhabitants, as well as the Burgage-holders of the ſaid Borough, have

Right to vote in Elections of Members to ſerve in Parliament for the ſaid Borough.

Jovis, 9 die Februarii, 1695.

3. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Eaſt-Grinſtead*, is not in the Burgage-holders and Inhabitants of the ſaid Borough.

4. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the ſaid Borough is in the Burgage-holders only.

Caſt-Retford.

Martis, 15 die Aprilis, 1701.

1. *Reſolved*, That the Right of electing Members to ſerve in Parliament for the Borough of *Eaſt-Retford*, in the County of *Nottingham*, is as well in the Burgeſſes non-reſident, as in the Burgeſſes reſident within the ſaid Borough.

Agreed to by the Houſe.

Martis, 17 die Martii, 1701.

2. *Reſolved*, That the younger Sons of Freemen of the Borough of *Eaſt-Retford*, (in *Com. Nottingham*) have not a Right to demand their Freedom of the ſaid Borough.

Sabbati, 28 die Novembris, 1702.

3. *Reſolved*, That Perſons not inhabiting in the Borough of *Eaſt-Retford*, in the County of *Nottingham*, are incapable of being made Free of the ſaid Borough by Redemption.

4. *Reſolved*, That all the Sons of Freemen of the Borough of *Eaſt-Retford*, have a Right to the Freedom of the ſaid Borough.

Jovis, 17 *die Januarii*, 1705.

5. *Reſolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Eaſt-Retford*, in the County of *Nottingham*, is in ſuch Freemen only, as have a Right to their Freedom by Birth, as eldeſt Sons of Freemen, or by ſerving ſeven Years Apprenticeſhip, or have it by Redemption, whether inhabiting, or not inhabiting in the ſaid Borough at the Time of their being made Free.

Jovis, 11 *die Januarii*, 1710.

6. *Reſolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Eaſt-Retford*, in the County of *Nottingham*, is in ſuch Freemen only, as have a Right to their Freedom by Birth, as eldeſt Sons of Freemen, or by ſerving ſeven Years Apprenticeſhip, or have it by Redemption, inhabiting in the ſaid Borough, at the Time of their being made Free.

Evidence.

See WITNESSES.

Jovis, 16 *die Januarii*, 1695.

Hertford County:

1. *Reſolved*, That Evidence ought not to be admitted to diſqualify an Elector as no Freeholder

who at the Election ſwore himſelf to be a Freeholder.

Jovis, 16 die Januarii, 1695.

On a Petition for the County of Surry.

2. *Reſolved*, That Evidence ought not to be admitted to diſqualify an Elector as no Freeholder, who at the Election ſwore himſelf to be a Freeholder.

On a Hearing concerning an Election for Abingdon.

Jovis, 20 die Januarii, 1708.

4. A Motion being made, and the Queſtion being put, that *John Holmes* (one of the Serjeants of *Abingdon*) be now admitted to give Evidence;

It paſſed in the Negative.

Martis, 8 die Februarii, 1708.

5. *Reſolved*, That *John Soley*, Eſq; being named Recorder in the new Charter granted by her Majeſty to the Town of *Bewdly* (in *Com. Worceſter*) be admitted an Evidence to prove the Acts of the Corporation before that Charter was granted.

Martis, 16 die Januarii, 1710.

On the Hearing of the Merits of the Election for the County of *Rutland*.

6. *Reſolved*, That the Petitioner be admitted to give Parol Evidence of the Mortgage of a Mortgagee in Poſſeſſion of Lands for which the ſaid Mortgagor

Mortgagor voted againſt the Petitioner without producing the Mortgage Deed.

Sabbati, 20 *die Januarii*, 1710.

On further Hearing for the County of Rutland.

7. *Reſolved*, That *John Taylor*, being produced as a Witneſs, by the ſitting Member, be examined by the Petitioner, when his Annuity *(the Freehold for which he voted)* was granted.

8. The Queſtion being put, that *Samuel Freeman* be admitted to prove his voting at the ſaid Election, contrary to the Poll then taken by the Sheriff;

It paſſed in the Negative.

Sabbati, 10 *die Januarii*, 1710.

9. *Reſolved*, That the Decree of a Baron-Court be admitted to be read, as Evidence to prove the ſitting Member's Poſſeſſion of thoſe Lands for which he voted at the Election of the Shire of *Kinroſs*, though it was not produced when the Queſtion was made to his Poſſeſſion.

10. The Queſtion being put, That the ſitting Member was duly qualified to vote in the Election for the Shire of *Kinroſs*,

It paſſed in the Negative.

11. The Queſtion being put, That the Petitioner do produce the Tranſcript of ſeveral Writings by him produced at the ſaid Election;

It paſſed in the Negative.

12. *Reſolved*, That the Petitioner was duly qualified to vote in the Election for the Shire of *Kinroſs*.

Martis, 13 die Februarii, 1710.

13. At the Hearing of the Election for *Dumfries*.

The Queſtion being put, that the Petitioner be at Liberty to call a Witneſs as to Matters preceding the Election, which were in general objected at the Election,

It paſſed in the Negative.

Jovis 29 die Aprilis, 1714.

14. At hearing the Merits of the Election for the Burghs of *Anſtruther Weſter*, &c.

The Petitioner's Counſel producing a Writing as the Minutes of the Election of a Commiſſary at *Pittenweem*, ſigned by a Publick Notary in the Abſence of the Town-Clerk to be read; and it being objected to by the ſitting Member's Counſel, *&c.*

Reſolved, That the Extracts of the Minutes of the Magiſtracy and Town-council of *Pittenweem*, upon their chooſing a Commiſſioner for the ſaid Borough, be read as Evidence, though not ſigned by the Town-clerk of the ſaid Borough, but by a Clerk choſen in his Abſence by the ſaid Magiſtrates and Town-council upon the ſaid Election, and though no Evidence has been given, that the Town-clerk refuſed to give an Extract of the ſaid Minutes.

Sabbati, 7 die Maii, 1715.

15. On the further Hearing the Merits of the Election for the Borough of *Bridport* in the County of *Dorſet*,

Reſolved,

Reſolved, That the Petitioner be admitted to give Evidence in relation to the Partiality of the Bailiff at the late Election of Members to ſerve in Parliament for the Borough of *Bridport*.

16. Mr. *Arthur Pain* being called;

The Petitioner's Counſel objected againſt his being examined, for that he had been charged by the Petitioner's Evidence with having (as Agent for Mr. *Strangeways*) diſtributed Money and Corn to Voters.

And the Queſtion being put, that the Counſel for the ſitting Member be admitted to examine *Arthur Pain*, touching *William Pierce*'s being of full Age at the Time of the laſt Election for the Borough of *Bridport*;

It paſſed in the Negative.

17. The Counſel for the ſitting Member examined ſeveral Witneſſes in relation to Wheat given by the Family of *Strangeways*, whether the ſame was an uſual Charity, as they inſiſted, or Bribery, as the Petitioner's Counſel inſiſted?

And *John Tucker* being called to be, *&c.*

And the Queſtion being put, that *Tucker* having been concerned in the diſtributing of Wheat to the Inhabitants of *Bridport*, before *Chriſtmas* laſt, be admitted to be examined as a Witneſs in this Cauſe,

It paſſed in the Negative.

Martis, 28 *die Junii*, 1715.

18. The Houſe (according to Order) proceeded in the further Hearing the Merits of the Election for the County of *Bedford*, and the Counſel on both ſides were called in; and the Petitioner's Counſel calling a Witneſs to prove that one of the ſitting Member's Voters had no Eſtate in the Pa-

riſh where his Freehold is ſet down on the Poll, the ſitting Member's Counſel objected againſt the giving ſuch Evidence, the Voter having ſworn he had an Eſtate there.

Reſolved, That the Counſel for the Petitioner be admitted to give Parol Evidence as to a Perſon's being no Freeholder, who ſwore himſelf to be a Freeholder at the Time of the Election.

Jovis, 30 die Junii, 1715.

19. The Houſe proceeded in the farther Hearing the Merits of the Election for the County of *Bedford*; and the Petitioner's Counſel proceeded farther to examine Witneſſes (in order to diſqualify Voters for the ſitting Members) to ſome, as to their not being rated to any Taxes, to others as to their not having any Eſtate in the Place they voted for, and to others as to their Eſtates being Copyholds; and afterwards the Petitioner's Counſel acquainted the Houſe, that they had Objections to many other Voters for the ſitting Member, in regard they did not pay to the Publick Taxes in ſuch Proportion as other Eſtates of forty Shillings *per Annum*, in the ſame Place as the Acts of the tenth and twelfth of Queen *Anne* direct, and deſired the Directions of the Houſe, whether they ſhould go into ſuch an Examination, and of what Nature the Evidence ſhould be.

And the Act of 10 *Ann. c.* 23. and alſo,

An Act of the 12 *Ann. c.* 5. were read.

And a Motion being made, and the Queſtion being put, that where any Perſon pays to the King's Tax, Church, or Poor's Rates, and has ſworn to the Value of his Freehold, ſuch Freehold being in his own Poſſeſſion, that this Houſe will proceed unto the Conſideration, whether ſuch Freehold is aſſeſſed to the ſaid Taxes and Rates in ſuch proportion

proportion as other Lands of forty Shillings *per Annum*, within the ſame Pariſh or Townſhip, are charged to the ſame,

It paſſed in the Negative.

Sabbati, 2 die Julii, 1715.

20. On the further Hearing the Merits of the Election for the County of *Bedford*, the ſitting Member's Counſel producing a Paper, as the Rate for the Land-tax in the Year One thouſand ſeven hundred and fourteen, for the Pariſh of *Potton*, to prove that one of the ſitting Member's Voters had been rated thereto for the ſaid Year; the Petitioner's Counſel objected againſt the ſame, it not being ſigned by the Aſſeſſors, or Commiſſioners, but only by the Collectors for the Land-tax; and the ſitting Members Counſel inſiſting upon it being read;

And the Queſtion being put, that a Paper intituled, *Potton Land-tax of two Shillings in the Pound for One thouſand ſeven hundred and fourteen* (although not ſigned by the Aſſeſſors or Commiſſioners for the Land-tax) be read as Evidence;

It paſſed in the Negative.

Jovis, 14 die Julii, 1715.

21. On the farther Hearing the Merits of the Election for the County of *Bedford*—

The Queſtion being put, that the Counſel for the ſitting Member be admitted to examine *Edward Kemp*, to prove that *William Reynold* voted otherwiſe than he is ſet down upon the Sheriff's Poll,

It paſſed in the Negative.

Lunæ,

Lunæ, 24 *die Februarii*, 1717.

22. Upon the Hearing for *Minehead.*

The Petitioner's Counſel proceeded and examined a Witneſs, one *John Viccary*, upon the Head of Bribery, who gave Evidence that *Thomas Wickland* had confeſſed to him that he had received half a Guinea for his Vote: Upon which the ſitting Member's Counſel inſiſted, that the ſaid *Thomas Wickland* ſhould be called in to confront the ſaid *Viccary.*

And he was called in; and the ſaid *Viccary* gave his Evidence before the ſaid *Wickland*; upon which the ſitting Member's Counſel inſiſted, that the ſaid *Wickland*, ſhould be examined in relation to the Diſcourſe that the ſaid *Viccary* alledged to have paſſed between them; which the Petitioner's Counſel oppoſed.

Reſolved, That *Thomas Wickland* be examined in the Preſence of *John Viccary*, in relation to the Diſcourſe that the ſaid *Viccary* alledged to have paſſed between them two, relating to the Money ſaid to be confeſſed to be given to the ſaid *Wickland* by the ſitting Memher for his Vote.

23. *Reſolved*, That *Joſeph Alloway*, having been charged to have been a Diſtributer of Bribes, be examined as a Witneſs in this Cauſe.

Veneris, 23 *die Junii*, 1721.

The Houſe (according to Order) proceeded to hear the Matter touching the Election for the Borough of *Whitchurch*, in the County of *Southampton*; and the Counſel on both ſides were called in, and the Petition of *John Conduit*, Eſq; complaining

ing of an undue Election and Return for the ſaid Borough, was read,

And the Petitioner's Counſel producing a Copy of the Poll taken at the Election, which was delivered to the Petitioner's Agent by the Mayor of the ſaid Borough as a Copy of the Poll; but was nor examined with the original Poll by the Perſon to whom the ſame was delivered by the Mayor.

The ſitting Member's Counſel objected to the ſaid Copy's being admitted as Evidence; and the Counſel of both Sides were heard thereupon; and then the Counſel were directed to withdraw.

Reſolved, That the Papers offered by the Counſel for the Petitioner as a Copy of the Poll taken at the late Election of a Burgeſs for the Borough of *Whitchurch*, in the County of *Southampton*, which was delivered to the Petitioner's Agent by the Mayor of the ſaid Borough, as a Copy of the Poll taken at the ſaid Election, be admitted as Evidence,

Jovis, 5 die Martii, 1729.

Upon the Hearing for Liverpool.

The Petitioner's Counſel proceeded to give Evidence touching the Neglects and Refuſals by the Mayors (for three Years laſt) to hold Common-councils (in order to the admitting Freemen) according to the Antient Uſage of the Borough, and they produced one of the Record-books of the Borough, and an Entry therein of an Order made at an Aſſembly held the firſt Day of *May*, One thouſand ſix hundred and ſeventy-nine (appointing the firſt *Wedneſday* in every Month to be a Council-

day

day) was read; and ſeveral Witneſſes were examined as to the frequent Callings of Common-councils formerly, and as to the Uſage obſerved in admitting of Freemen, and alſo to undue Proceedings of the Mayor at the laſt Election; and his withdrawing himſelf from the Place of Polling before he had taken the Votes of ſeveral Perſons who claimed to be admitted to vote for the Petitioner. And

Henry Orme being called, and examined, and producing a Liſt taken by him, of divers Perſons who gave their Votes for the Petitioner, after the Mayor had left the Place of Polling,

Reſolved, That the Papers produced by *Henry Orme*, containing a Liſt taken by him of Perſons who voted for the Petitioner, after the Mayor had left the Place of Polling, be admitted as Evidence of ſuch Perſons voting.

Martis, 24 die Martii, 1729.

Liverpool.

26. *Reſolved*, That Mr. *Richard Houghton* be admitted to give Evidence of Perſons having declared to him, that they would have voted for the ſitting Member, if any who were not ſworn Freemen had been allowed to vote.

Veneris, 16 die Januarii, 1735.

27. *Ordered*, That the Counſel at the Bar of this Houſe, or before the Committee of Privileges and Elections, be reſtrained from offering Evidence touching the Legality of Votes for Members to ſerve in Parliament for any County, Shire, City, Borough, Cinque-port or Place, contrary to the laſt Determination in the Houſe of Commons, which Determination, by 2 *G.* 2. *c.* 24. is made final

to

to all Intents and Purpoſes whatſoever, any Uſage to the contrary notwithſtanding.

28. *Ordered*, That the ſaid Order be a ſtanding Order of the Houſe.

Martis, 10 *die Februarii*, 1735.

On a Hearing for Southwark.

29. A Motion was made, and the Queſtion being put, that the Counſel for the Petitioner be admitted to examine Perſons who voted at the laſt Election of Members to ſerve in Parliament for the Borough of *Southwark*, to prove that they voted otherwiſe, than they were ſet down to do upon the Bailiff's Poll.

It paſſed in the Negative, *Nemine contradicente.*

30. N. B. *There were read on this Occaſion two Reſolutions, out of the Journals,* viz. *twentieth Day of* January, *One thouſand ſeven hundred and ten, in the Caſe of* Samuel Freeman, *on a Hearing for* Rutlandſhire, *and fourteenth Day of* July, *One thouſand ſeven hundred and fifteen, in the Caſe of* Edward Kemp, *on a Hearing for* Bedfordſhire: *They are both to the Effect of the foregoing Reſolution.*

Jovis, 12 *die Februarii*, 1735.

On the further Hearing for Southwark.

31. A Motion was made, and the Queſtion being put, That the Petitioner's Counſel be admitted to examine *Thomas Gaman*, to prove his having received a Bribe to give his Vote for the ſitting Member; the ſaid *Thomas Gaman* having at the Time of the Election taken the Oath, which by the

Act for preventing Bribery and Corruption in the Election for Members ſo ſerve in Parliament is appointed, if demanded, as therein is mentioned to be taken by Perſons having, or claiming to have, a Right to vote at Elections of Members to ſerve for the Commons in Parliament;

It paſſed in the Negative.

Martis, 23 die Februarii, 1735.

On a Hearing for Yorkſhire.

32. *Reſolved*, That Books called the Original Poll-books of the laſt Election of Members to ſerve in Parliament for the County of *York* produced by *Robert Appleton*, Deputy-clerk of the Peace for the Eaſt Riding of the ſaid County, and which were delivered over to him by the High Sheriff of the ſaid County in open Court, at the Quarter Seſſions of the Peace of the ſaid Riding, about two Months after the ſaid Election, as the original Poll taken at the ſaid Election, and which have been kept by him the ſaid Deputy-clerk of the Peace ever ſince, among the Records of the Seſſions of the Peace for the ſaid Riding, the ſaid Books not being delivered over by the ſaid Sheriff within the Time, nor upon Oath, as required by the Act of the tenth Year of the Reign of the late Queen (*for the more effectual preventing fraudulent Conveyances, in order to multiply Votes for electing Knights of Shires to ſerve in Parliament*) be admitted as Evidence. See 10 *Ann. c.* 23. *ſect.* 5. in *P.* of former Part of this Work.

Jovis,

Jovis, 26 die Februarii, 1735.

On the further Heaning for Yorkſhire.

33. *Reſolved*, That the Counſel for the Petitioners be admitted to give Parol Evidence, as to a Perſon being no Freeholder at the Time of the Election, who ſwore himſelf then to be a Freeholder.

34. N. B. *Before the foregoing Reſolution paſſed, theſe following Journals were read*, viz.

Of the ſeventeenth Day of April, 4to C. 1. *touching an Election for* Yorkſhire, *and Reſolutions thereupon.*

Of the ſeventeenth Day of January, *One thouſand ſeven hundred and ten, in the Caſe of the County of* Rutland.

And of the ſeventeenth Day of April, *One thouſand ſeven hundred and thirty-five, in relation to the Parol Evidence given againſt the ſitting Member's Qualification, in the Caſe of the Borough of* Wendover.

Martis, 2 die Martii, 1735.

Upon the further Hearing for Yorkſhire.

35. *Reſolved*, That the Counſel for the Petitioners be admitted to give Evidence as to what a Voter confeſſed of his having no Freehold, who at the Election ſwore he had.

36. N. B. *Before the foregoing Reſolution paſſed, the following Journals*, &c. *were read*, viz.

Journal of the ſixteenth Day of April, *One thouſand ſeven hundred and thirty-five, in the Caſe of the County of* Northumberland,

And the Reſolution of the twelfth Day of February *laſt (ſupra) relating to* Thomas Gaman.

37. *Re-*

37. *Reſolved*, That the Counſel for the Petitioners be admitted to give Evidence as to a Perſon's having no Freehold at all, to whom the Petitioners objected in their Liſt of Objections, that ſuch Perſon had not a Freehold of Forty Shillings *per Annum*.

Jovis, 22 die Aprilis, 1736.

38. *Upon the further Hearing for* Yorkſhire.

The Counſel for the Petitioners ſummed up their Evidence; by which they alledged, That they had diſqualified ſeveral Perſons, as not being aſſeſſed to the publick Taxes, Church-Rates, and Pariſh-Duties;— others, as having no Freehold in the Place where they ſwore that their Freeholds did lye; and of them, ſeveral as having no Eſtate at all,—as being School-maſters, — Pariſh-Clerks, — Curates, —Hoſpital-men, — Leaſe-holders and Copyholders; others as not having Freeholds of forty Shillings *per Annum*; — as being Minors;— as having purchaſed their Freeholds within one Year before the Election;— as having been influenced to vote by Threats; — as having voted twice;—one, as being an Alien; and others whoſe Votes appear upon the Poll, though there are no ſuch Perſons either in the Places where they ſwore their Freeholds did lye, or in the Places where they ſwore that their Abode was.

39. *Tho' the next foregoing Paragraph be not a Reſolution, but an Enumeration by Counſel (collected by Mr.* Speaker) *of Objections againſt Perſons voting as Freeholders; yet, 'tis conceived it may be of Uſe, to help the Memory on Elections for Counties*, &c.

Flint.

Flint.

Martis, 21 *die Maii*, 1728.

1. *Reſolved*, That the Right of Election of a Burgeſs to ſerve in Parliament for the Town of *Flint*, in the County of *Flint*, is in the Inhabitants of the Boroughs of *Flint*, *Rhydland*, *Overton*, *Caerways*, *Caergurley*, paying Scot and Lot.

2. *Reſolved*, That the Inhabitants of *Knolton* and *Overton-Foreign*, paying Scot and Lot in the Pariſh of *Overton*, have a Right to vote in the Election of a Burgeſs to ſerve in Parliament for the Town of *Flint*.

Jovis, 24 *die Martii*, 1736.

3. *On a Hearing for the Borough of* Flint.

The laſt Determination of the Houſe, concerning the Right of electing a Burgeſs to ſerve in Parliament for the ſaid Borough, made the twenty-firſt Day of *May*, 1728, was read.

And alſo

The ſtanding Order made upon the ſixteenth Day of *January* 1735, for reſtraining Counſel from offering Evidence touching the Legality of Votes contrary to the laſt Determination of the Houſe of Commons.

Martis, 5 *die Aprilis*, 1737.

On a further Hearing.

4. A Motion was made, and the Queſtion being propoſed, That the Inhabitants of the ſeveral Boroughs of *Flint*, *Rhydland*, *Caerways*, *Caergur-*

ley, and *Overton* (including *Knolton*, and *Overton-Foreign*) renting Lands or Tenements for which the Landlords thereof, only pay Scot and Lot, have a Right to vote in the Election of a Burgeſs to ſerve in Parliament for the Borough of *Flint*, in the County of *Flint*.

And the previous Queſtion being put, that that Queſtion be now put;

It paſſed in the Negative.

Martis, 19 *die Aprilis*, 1737.

5. *On the further Hearing.*

The Counſel for the ſitting Member — examined ſeveral Witneſſes touching the Occaſion of examining upon Oath into the Qualification of the Electors, and of protracting the Poll, and touching Threats and abuſive Language offered to the returning Officers, and an Aſſault upon one of them, and the Declaration of the Number of Votes, and the Demand of a Scrutiny, and the Manner of declaring the Majority and other Tranſactions at and after the ſaid Election.

And the Record of *Niſi Prius* upon an Information proſecuted againſt *Richard Williams*, Clerk, for the ſaid Aſſault upon *John Roberts*, one of the Returning Officers being produced; the Verdict of the Jury, by whom the ſaid *Richard Williams* was convicted of the ſaid Aſſault, was read.

Jovis, 28 *die Aprilis* 1737.

6. *On a further Hearing.*

Reſolved, That Sir *George Wynn*, Bart. (the ſitting member) is duly elected a Burgeſs to ſerve in this

this preſent Parliament for the Borough of *Flint*, in the County of *Flint*.

Veneris, 19 *die Martii*, 1741.

7. *On a further Hearing.*

Reſolved, That the Counſel for the Petitioners be admitted now to proceed to ſhew, that the Inhabitants of the ſeveral Boroughs of *Flint*, *Rhydland*, *Caerways*, *Caergurley* and *Overton* (including *Knolton* and *Overton-Foreign*) renting Lands or Tenements for which the Landlords thereof, only pay Scot and Lot, have not a Right to vote in the Election of a Burgeſs to ſerve in Parliament for the Borough of *Flint*, in the County of *Flint*.

The Counſel were again called in; and Mr. *Speaker* acquainted them with the ſaid Reſolution.

Then the Counſel for the Petitioners were heard, in order to ſhew, that ſuch Inhabitants have not that Right.

And the Counſel for the ſitting Member were heard by way of Anſwer, and examined ſeveral Witneſſes, in order to ſhew, that, by the Uſage of the ſaid Borough, ſome Landlords of Tenements are rated, and pay for Tenements occupied by their Tenants, and that Tenants have a Right to vote and have voted, in the Elections of a Member to ſerve in Parliament for the ſaid Borough.

And the Counſel for the Petitioners having replied; the Counſel on both ſides were again directed to withdraw.

A motion was made, and the Queſtion being put, that the Inhabitants of the ſeveral Boroughs of *Flint*, *Rhydland*, *Caerways*, *Caergurley*, and *Overton* (including *Knolton*, and *Overton-Foreign*,) renting Lands or Tenements, for which the Land-

lords thereof, only pay Scot and Lot, have a Right to vote in the Election of a Burgeſs to ſerve in Parliament for the Borough of *Flint*, in the County of *Flint*.

It paſſed in the Negative.

Fowey.

Lunæ, 5 die Maii, 1701.

1. *Reſolved*, (*by the Committee*) That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Fowey* in the County of *Cornwall*, is in the Prince's Tenants who are capable of being Port-reeves of the ſaid Borough, and in ſuch Inhabitants of the ſaid Borough only as pay Scot and Lot.

Lunæ, 5 die Martii, 1770.

2. *Reſolved*, (*by the Committee*) That the Prince's Tenants, capable of being Port-reeves of the Borough of *Fowey*, are ſuch Tenants only, as have been duly admitted upon the Court Rolls of the Manor, and have done this Fealty.

It does not appear by the printed Journals that the Houſe agreed to either of the above Reſolutions.

Freedom of Elections.

See ALMS, BRIBERY, OFFICES, RIOTS, TREATING.

Veneris, 3 die Martii, 1698.

1. *Reſolved*, That the Proceedings of *William Hucks*, Eſq; in preſuming to make uſe of the Authority of the Government to the Borough of *Abingdon*, in order to be elected a Burgeſs for the ſaid Borough) is a ſcandalous Reflection upon the Go-

vernment, and tends to ſubvert the Freedom of Elections of Members to ſerve in Parliament.

2. *Ordered*, That the ſaid *William Hucks*, Eſq; be taken into Cuſtody.

Mercurii, 18 *die Novembris*, 1702.

3. *Reſolved*, *Nemine contradicente*, That Sir *John Packington* has, by Evidence, fully made out the Charge which he exhibited againſt the Lord Biſhop of *Worceſter*

4. *Reſolved*, *Nemine contradicente*, That Sir *John Packington* has, by Evidence, fully made out the Charge againſt Mr. *Lloyd*, the ſaid Lord Biſhop's Son.

5. *Reſolved*, That it appears to this Houſe, that the Proceedings of *William* Lord Biſhop of *Worceſter*, his Son and his Agents, in order to the hindering the Election of a Member for the County of *Worceſter*, have been malicious, unchriſtian, and arbitrary, in Violation of the Liberties and Privileges of the Commons of *England*.

6. *Reſolved*, That an humble Addreſs be preſented to her Majeſty, that ſhe would be graciouſly pleaſed to remove *William* Lord Biſhop of *Worceſter*, from being Lord Almoner to his Majeſty.

7. *Ordered* That the ſaid Reſolution and Addreſs be preſented to her Majeſty, by ſuch Members of this Houſe as are of her Majeſty's moſt honourable Privy-Council.

8. *Ordered*, That Mr. *Attorney General* do proſecute Mr. *Lloyd*, the Lord Biſhop of *Worceſter*'s Son, for his ſaid Offences.

Mercurii, 25 *die Novembris*, 1702.

9. *Ordered*, That the Evidence given at the Bar of this Houſe, upon the Charge of Sir *John Packington* againſt *William* Lord Biſhop of *Worceſter* and

Mr. *Lloyd* his Son, be printed; together with the Proceedings of the Houſe thereupon.

10. *Ordered*, That the Clerk's Book in relation to the ſaid Evidence be examined; and that Mr. *Speaker* do take care of the Printing of the ſaid Evidence and Proceedings.

Sabbati, 17 *die Martii*, 1710.

11. *Reſolved*, That *Edward Tiſſard* Mayor of the ſaid Borough (of *Weymouth* and *Melcombe Regis in Com. Dorſet*) is guilty of ſeveral arbitrary and illegal Practices, in the late Election of Members to ſerve in Parliament for the ſaid Borough.

12. *Ordered*, That *Edward Tiſſard*, Mayor of the Borough of *Weymouth* and *Melcombe Regis*, in the County of *Dorſet*, be taken into the Cuſtody of the Serjeant at Arms attending the Houſe, for the ſaid arbitrary and illegal Practices.

13. *On* Monday *the* 22*d of* April *following he was brought to the Bar, reprimanded on his Knees, and diſcharged, paying his Fees.*

14. *And on the* 2*d of* May, 1711, *the like Votes were repeated concerning him on another Election.*

Mercurii, 14 *die Martii*, 1710.

15. *Reſolved*, That it appears to this Houſe, that *William* Lord Biſhop of *Carliſle* hath diſperſed ſeveral Copies of a Letter, pretended to have been received from Sir *James Montague* (Member of this Houſe) in order to procure Sir *James Montague* to be elected a Citizen of the City of *Carliſle*, reflecting on the Honour of her Majeſty; and by concerning himſelf in the ſaid Election, hath highly infringed the Liberties and Privileges of the Commons of *Great Britain*.

Jovis, 10 die Martii, 1725.

16. *Reſolved, Nemine contradicente,* That it appears to this Houſe, that Mr. *Richard Shrimpton,* Mayor of the Borough of *Cheping-Wicombe* in the County of *Bucks,* has been guilty of divers arbitrary, illegal, and partial Proceedings at the late Election of a Burgeſs to ſerve in this preſent Parliament for the ſaid Borough of *Sheping-Wicombe,* in Violation of the Freedom of Elections of Members to ſerve in Parliament.

17. *Ordered,* That the ſaid *Richard Shrimpton* be, for the ſaid Offences, committed Priſoner to the Priſon of *Newgate*; and that Mr *Speaker* do iſſue his Warrant accordingly.

18. *Reſolved,* That *Edward Marſhal* having preſumed to read the Proclamation againſt Riots, while the Burgeſſes of the Borough of *Cheping-Wicombe* in the County of *Bucks* were legally aſſembled, by Virtue of his Majeſty's Writ for electing a Burgeſs to ſerve in this preſent Parliament for the ſaid Borough, without having ſufficient Authority ſo to do, is guilty of an high Infringement of the Freedom of Elections.

19. *Ordered,* That the ſaid *Edward Marſhal* be, for the ſaid Offence, taken into the Cuſtody of the Serjeant at Arms attending this Houſe.

Jovis, 27 die Februarii, 1700.

Upon a Hearing.

20. *Reſolved,* That Mr. *Edward Martyn,* Mayor of the Town and Port of *Winchelſea,* is guilty of Threats and indirect Practices, in order to procure an Election of Members to ſerve in this preſent

Parliament for the ſaid Town and Port of *Winchelſea.*

He was ordered into Cuſtody.

21. *Ordered,* That no Writ do iſſue this Seſſion for electing, *&c.*

22. *And an Addreſs was reſolved on. That the King would order Mr.* Martyn *to be turned out of his Employment in the Cuſtoms.*

Which was done accordingly, as appears by the Votes, 3 Martii, 1700.

Grantham.

Jovis, 11 die Januarii, 1710.

1. *Reſolved,* That the Right of Election of Members to ſerve in Parliament for the Borough of *Grantham,* in the County of *Lincoln,* is in the Freemen of the ſaid Borough not receiving Alms or Charity.

Harwich.

Martis, 6 die Aprilis, 1714.

1. *Reſolved,* That the Right of Election of Burgeſſes to ſerve in Parliament, for the Borough of *Harwich,* in the County of *Eſſex,* is in the Mayor, Aldermen, and capital Burgeſſes, or Headborough of the ſaid Borough reſiding within the ſaid Borough.

Haſte-

Haſlemere.

Jovis, 9 die Februarii, 1698.

1. The Right of Election for the Borough of *Haſlemere, in Com. Surry,* was agreed to be in the Freeholders reſident within the Borough.

24 *die Aprilis,* 1755.

2. *Reſolved,* That in the laſt Determination of the Houſe, of the Right of Election for the ſaid Borough of *Haſlemere* in the County of *Surry,* made the twentieth Day of *May,* in the year One thouſand ſix hundred and ſixty-one, which is as followeth, *viz.* "That the Inhabitant Freeholders there have only Voice in Election." By the Word "Freeholders," is meant only Freeholders of Meſſuages, Lands, or Tenements, lying within the Borough and Manor of *Haſlemere,* whether the ſame pay Rent to the Lord of the ſaid Borough and Manor or not, excluſive of any Lands or Tenements which are, or have been Parcel of the Waſte Ground of the ſaid Borough and Manor, or any Meſſuages or Buildings which are, or ſhall be, ſtanding or being thereon.

Mercurii, 10° *die Februarii,* 1762.

3. *Reſolved,* That *Richard Billingburſt, being himſelf a Voter for the Borough of Haſlemere,* be not admitted to give Evidence that the *White Horſe Inn* is not within the Bounds of the ſaid Borough.

Haſtings.

Veneris, 20 *die Januarii*, 1698.

1. *Reſolved*, That the Right of Election of Members of Parliament, for the Port of *Haſtings* in the County of *Suſſex*, is in the Mayor, Jurats and Freemen reſident, and not receiving Alms, only.

Haverford-Weſt.

Lunæ, 4 *die Julii*, 1715.

1. *Reſolved*, That the Proceeding of the Mayor and Common-Council of the Town of *Haverford-Weſt* in making Burgeſſes without the Conſent of the Commonalty, was illegal, and contrary to the Rights of the ſaid Town, and that the Burgeſſes ſo pretended to be made, have not thereby acquired any Right of voting in any future Elections.

Hertford.

Martis, 27 *die Januarii*, 1701.

1. *Reſolved*, That the Right of electing Members to ſerve in Parliament for the Borough of *Hertford*, is not in ſuch Perſons only as are Inhabitants, Houſholders of the ſaid Borough not receiving Alms, and in ſuch Freemen, who, at the Time of their Freedom granted to them, were Inhabitants of the ſaid Borough, or of the Pariſhes thereof.

2. *Reſolved*, That the Right of electing Members to ſerve in Parliament for the Borough of *Hertford*, is in all the Freemen, and alſo in all the Inhabitants, being Houſholders, and not receiving Alms.

Jovis,

Jovis, 6 die Decembris, 1705.

3. *Reſolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Hertford*, is in the Inhabitants not receiving Alms, and in ſuch Freemen only, as, at the Time of their being made Free, were Inhabitants of the ſaid Borough, or the Pariſhes thereof; the Number of the Freemen living out the Borough not exceeding three Perſons.

[*See the Votes of the Day following, where this Reſolution is thus printed.*]

Hearing.

See EVIDENCE.

In the Seſſions of the Years one thouſand Seven hundred and ſeven-eight, and one thouſand Seven hundred and eight-nine, the Hearings for Elections were ordered to be at the Bar of the Houſe, *and divers ſtanding Orders were made* Sabbati, *the twenty-firſt day of* February, *One thouſand Seven hundred and ſeven, for ballotting upon ſuch Queſtions: but on the fifteenth of* November, *one thouſand Seven hundred and nine, the former Method by Committees, was reſumed.* And ſee now Stat. 10 G. 3. c. 16. in the former part of this Work.

Lunæ, 18 die Martii, 1727.

1. *Reſolved*, That in all Caſes on double Returns, where the ſame ſhall be controverted, either at the Bar of this Houſe, or in Committees of Privileges and Elections, the Counſel for ſuch Perſon who ſhall be firſt named in ſuch double Return, or whoſe

whoſe Return ſhall be immediately annexed to the Writ or Precept, ſhall proceed in the firſt Place.

Ordered, and declared, That the ſaid Order be a ſtanding Order of the Houſe. See 4.

2. *Martis*, 8 *die Junii*, 1714.

The Houſe being informed, that (in relation to the Election for the Borough of *Harwich*, in the County of *Eſſex*, the Merits of which Election is to be heard To-morrow in the Afternoon, before the Committee of Privileges and Elections) the Solicitors for the Petition and ſitting Member had but yeſterday delivered to each other, Liſts of ſeveral Perſons Names, whom they intend to object againſt, upon account of their not being qualified according to the Corporation Act, and that the Satisfaction of them will require ſome Time.

Ordered, That it be an Inſtruction to the ſaid Committee, that they do put off the hearing the Merits of the ſaid Election until To-morrow ſevennight.

See *Monmouth*. 1.

3. *Veneris*, 16 *die Januarii*, 1735.

Reſolved, That in all Caſes of controverted Elections for the Counties in *England* and *Wales* to be heard at the Bar of this Houſe, or before the Committee of Privileges and Elections, the Petitioners do, by themſelves or their Agents, within a convenient Time to be appointed either by the Houſe, or the Committee of Privileges and Elections, as the Matter to be heard ſhall be before the Houſe or the ſaid Committee, deliver to the ſitting Members or their Agents, Liſts of the Perſons intended by the Petitioners to be objected to, who voted for the ſitting Members; giving, in the ſaid Liſts, the

ſeveral

ſeveral Heads of Objection, and diſtinguiſhing the ſame againſt the Names of the Voters excepted to; and that the ſitting Members do, by themſelves, or by their Agents, within the ſame Time, deliver the like Liſts, on their Part, to the Petitioners, or their Agents.

[*The above was not a ſtanding Order.*]

4. Jovis, 23 die Martii, 1679.

On a hearing for New-Windſor,

On a Double Return.

The Counſel for the Petitioner the Lord *Vere Beauclerk* (the Deputy-Clerk of the Crown attending, according to Order, with the laſt Return for the ſaid Borough; and the ſaid Petitioners Return appearing to be immediately annexed to the Precept) proceeded in the firſt Place, purſuant to the ſtanding Order of the Houſe, made the eighteenth Day of *March*, One thouſand ſeven hundred and twenty-ſeven, and were heard. *See Sect.* 1. *above.*

Hedon.

1. Martis, 3 die Aprilis, 1746.

1. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Hedon*, in the County of *York*, is in the Burgeſſes of the ſaid Borough

Jovis, 5 die Februarii, 1746.

Upon the further Hearing for the Borough of *Hedon*, the Counſel were called in,

And the Counſel for the Petitioner proceeded in their Evidence, in order to diſqualify ſeveral other Per-

Perſons, who voted for the ſitting Member at the ſaid Election, as being influenced by Bribery.

And having propoſed to examine Witneſſes, in order to prove a Confeſſion, made both before and after the ſaid Election, by *William Ellis*, one of the ſaid Perſons, that he, the ſaid *William Ellis*, had received a Bribe to vote for the ſitting Member.

And the Counſel for the ſitting Member having objected to the Admiſſion of this Evidence, the ſaid *William Ellis* having, at the ſaid Election, taken the Oath appointed by 2 *G.* 2. *c.* 24.

And the Counſel for the Petitioner having made Anſwer to that Objection;

And the Counſel for the ſitting Member having replied to that Anſwer;

The Counſel on both Sides were directed to withdraw.

The Houſe was moved, that the Journal of the Houſe of the twelfth Day of *February*, One thouſand ſeven hundred and thirty-five, might be read, in Relation to the Reſolution of the Houſe, in the Caſe touching the Election and Return for the Borough of *Southwark*, in the County of *Surry*, whereby the Petitioner's Counſel were reſtrained from examining *Thomas Gaman*, to prove his having received a Bribe to give his Vote for the ſitting Member, the ſaid *Thomas Gaman*, having at the Time of that Election, taken the Oath required by the ſaid Act.

The Houſe was alſo moved, that the Journal of the Houſe of the eighteenth Day of *January*, One thouſand ſeven hundred and forty-four, might be read in Relation to the Proceedings of the Houſe in the Caſe, touching the Election and Return for the Borough of *Great-Marlow*, in the County of *Bucks*; when the Counſel for the Petitioner propoſed to prove, that a Perſon, who voted for the

ſitting

ſitting Member, had been induced to give his Vote both by Threats and Promiſes, and propoſed to prove that Fact by Evidence of the Confeſſion of that Perſon.

And the ſaid Journals were read accordingly.

The Counſel on both Sides were again called in; and the Counſel for the Petitioner were directed to proceed in their Evidence.

Then a Witneſs was examined, in order to prove the Confeſſion of the ſaid *William Ellis*, made before the ſaid Election, that he had received a Bribe to vote for the ſitting Member.

Then the Counſel on both Sides were directed to withdraw.

They were again called in.

And the ſaid Witneſs was further examined, in order to prove the like Confeſſion of the ſaid *William Ellis*, made after the ſaid Election.

A Motion was made, and the Queſtion being put, that the receiving of Sacrament-Money does diſqualify Perſons to vote in Elections of Members to ſerve in Parliament;

It paſſed in the Negative, *Nemine contradicente.*

Lunæ, 9 die Februarii, 1746.

2. *On the further Hearing for* Hedon.

Then the Counſel for the ſitting Member alledged, that the Petitioner was incapable of being elected a Member to ſerve in Parliament, having been convicted of an Offence againſt 2 *G.* 2, *c.* 24. by which Act every Perſon ſo offending, being convicted thereof, is for ever diſabled to vote in any Election of Members to Parliament; and alſo to hold, exerciſe, and enjoy any Office, or Franchiſe, to which he then ſhall, or at any Time afterwards,

terwards, may be intitled, as a Member of any City, Borough, Town Corporate, or Cinque-Port, as if ſuch Perſon was naturally dead.

And an atteſted Copy of the Record of the Judgment given upon the Action brought in the Court of *Common-Pleas* at *Weſtminſter*, in *Hilary Term*, in the ſixteenth Year of his preſent Majeſty's Reign, againſt the Petitioner, for the Penalty contained in the ſaid Act, was produced and read.

And then the Counſel on both Sides were directed to withdraw.

Ordered, That the further Hearing of the Matter of the ſaid Petition, be adjourned till To-morrow Morning.

Note, *On the eleventh of the ſame Month it was reſolved, that the Petitioner was duly elected.*

Higham-Ferrers.

Jovis, 28 *die Januarii*, 1702.

1. *Reſolved*, That the Right of electing a Burgeſs to ſerve in Parliament for the Borough of *Higham-Ferrers*, in the County of *Northampton*, is in the Mayor, Aldermen, Burgeſſes and Freemen, being Houſeholders, and not receiving Alms.

Hindon.

Jovis, 3 *die Aprilis*, 1701.

1. *Reſolved by the Committee*, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Hindon*, is in the Bailiff, Burgeſſes, and ſuch Inhabitants only as pay Scot and Lot.

2. *Reſolved*, That *R. C.* Eſq; is not duly elected, *&c.*

3. *Reſolved*,

3. *Reſolved*, That *G. M.* Eſq; is not duly elected, *&c.*

The firſt Reſolution being read a ſecond Time.

And a Motion being made, and the Queſtion being put, that the Houſe do agree with the Committee in the ſaid Reſolution;

It paſſed in the Negative.

The ſecond Reſolution being read a ſecond Time,

Reſolved, That it be re-committed.

4. *Ordered*, That the Matter, upon the Recommitment, be heard before the Committee of Privileges and Elections upon this Day three Weeks.

5. *Martis*, 13 *die Maii*, 1701.

Reſolved, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Hindon*, is in the Inhabitants of the ſaid Borough, not receiving Alms.

Agreed to by the Houſe.

6. *Veneris*, 12 *die Aprilis*, 1728.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Hindon*, in the County of *Wilts*, is in the Inhabitants of Houſes within the ſaid Borough, being Houſe-keepers and Pariſhioners, not receiving Alms.

Honiton.

Sabbati, 3 *die Februarii*, 1710.

1. *Reſolved*, That the Right of electing Members to ſerve in Parliament for the Borough of *Honiton*, in the County of *Devon*, is in the In-

Inhabitants of the ſaid Borough, paying Scot and Lot only.

2. *Veneris*, 18 *die Decembris*, 1724.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Honiton*, in the County of *Devon*, is in the Inhabitants, Houſe-keepers within the ſaid Borough, commonly called *Pot-Wallers*, not receiving Alms of the Pariſh.

Horſham.

Jovis, 16 *die Junii*, 1715.

1. *Reſolved*, That the Right of Election of Members to ſerve in Parliament for the Borough of *Horſham*, in the County of *Suſſex*, is in all ſuch Perſons as have an Eſtate of Inheritance, or for Life in Burgage-houſes or Burgage-lands, lying within the ſaid Borough.

Hyeth.

Sabbati, 27 *die Januarii*, 1710.

1. *Reſolved*, That it is the Opinion of this Committee, that the Right of Election of Barons to ſerve in Parliament for the Town and Port to *Hyeth*, in the County of *Kent*, is in the Mayor, Jurats, Common-council and Freemen.

Agreed to by the Houſe.

Ilcheſter.

Ilcheſter.

Martis, 1 die Aprilis, 1679.

1. A double Return for *Ilcheſter* (in *Com. Somerſet.*)

Firſt an Indenture between the High Sheriff of *Somerſet* on one Part, and Sir *Edward Philips*, Knight, and eight other capital Burgeſſes of the other Part, witneſſing, that they had choſen *Edward Philips* and *Robert Hunt*, Eſqrs; in witneſs whereof the ſaid Burgeſſes had put their common Seal.

A broad Seal affixed accordingly, and ſeveral Hands ſubſcribed, but the Bailiff is not a Party, nor ſubſcribed nor ſealed it.

Secondly, An Indenture between the ſaid Sheriff of one Part, and the Bailiff and Burgeſſes of the other Part, witneſſing, that, *&c.* they had choſen *William Strode* and *John Speake*, Eſqrs, in witneſs whereof the ſaid Bailiff or his Deputy, together with the Burgeſſes, have put their Hands and Seals; there was only one Seal affixed, and over it *Thomas Hollyard*, Bailiff. On the ſame Indenture *John Lockyer*, *George Slade*, and on the Back, many Witneſſes, *&c.*

Reſolved, That the Indenture wherein *William Strode*, Eſq; and *John Speake*, Eſq; are returned Burgeſſes to ſerve in this preſent Parliament for the Borough of *Ilcheſter*, in the County *Somerſet*, is well and duly returned, and by the proper Officer, and that thereupon they ought to ſit as duly returned to ſerve in this preſent Parliament for the ſaid Borough.

Inverneſs.

Martis, 23 die Octobris, 1722.

1. The Houſe being informed by two of their Members, that they did ſee *Alexander Baillie*, whom they knew to be the Common-clerk of *Inverneſs* (the preſiding Burgh of the Diſtrict) ſign and ſeal an Indenture of Return of *Duncan Forbes*, Eſq; and that one of the ſaid Members did ſee the ſaid Common-clerk tender the ſame to the Sheriff-depute of the Shire of *Inverneſs*; and that the ſaid Sheriff refuſed to accept the ſame: The ſaid Indenture of Return was delivered in at the Table, where the ſame was read.

Reſolved, Nemine contradicente, That the Clerk of the Crown do take off the File the Return ſigned by *Hugh Baillie*, the ſame not being ſigned by the Common clerk of *Inverneſs*, being the preſiding Borough at the laſt Election of a Burgeſs of the Diſtrict of Boroughs of *Inverneſs*, *Nairn*, *Forres*, and *Fortroſe*.

2. *Ordered*, That the Clerk of the Crown do annex to the Writ, the Return ſigned by *Alexander Baillie*, the Common-clerk of *Inverneſs*, the preſiding Burgh of the ſaid Diſtrict of Burghs.

Robert Gordon, *the Sheriff depute, and* Hugh Baillie, *were ordered to attend.*

Ipſwich.

Sabbati, 3 die Februarii, 1710.

1. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Ipſwich*, in the County of *Suffolk*, is in the Bailiffs, Portmen, and Common-council-men, and Freemen at large, not receiving Alms.

Mercurii, 31 die Martii, 1714.

2. *Reſolved*, That Portmen are an eſſential conſtituent Part of the Great Court for making Freemen of the Borough of *Ipſwich*; without ſome of which Portmen being preſent, the ſaid Court cannot be held.

Jovis, 1 die Aprilis, 1714.

3. A Motion being made, and the Queſtion being put, That the Perſons voted Freemen at the pretended Great Courts held in the Corporation of *Ipſwich*, the fifteenth of *June*, the ſeventh of *Auguſt*, the twenty-fifth of *September*, and the twenty eight of *September*, One thouſand ſeven hundred and eleven, without any legal Portmen then preſent, were duly made, and have a Right to vote for Members to ſerve in Parliament for the Borough of *Ipſwich*;

It paſſed in the Negative.

St. Ives.

Martis, 8 die Decembris, 1702.

1. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *St. Ives*, in the County of *Cornwall*, is in the Inhabitants of the ſaid Borough, paying Scot and Lot.

2. *Reſolved*, That Mr. *John Hicks*, Mayor of the ſaid Borough of *St. Ives*, is guilty of making a falſe Return of a Member to ſerve in Parliament for the ſaid Borough of *St. Ives*, contrary to the laſt Determination in Parliament.

3. *Ordered*, That the ſaid Mr. *John Hicks*, be, for his ſaid Offence, taken into the Cuſtody of the Serjeant at Arms attending this Houſe.

Launceſton.

Martis, 17 die Martii, 1723.

1. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Dunbeved*, alias *Launceſton*, in the County of *Cornwall*, is in the Mayor, Aldermen, and Freemen, being Inhabitants at the Time they were made free, and not receiving Pay of the Pariſh.

Lunæ, 24 die Martii, 1734.

2. *Reſolved*, That the Aldermen of the Borough of *Dunbeved*, alias *Launceſton*, in the County of *Corn-*

Cornwall, ought to be elected out of the legal Freemen of the ſaid Borough only.

Mercurii, 21° die Februarii, 1759.

The Houſe, according to Order, proceeded to the hearing of the Matter of the Petition of *Peter Burrell*, Eſquire, complaining of an undue Election and Return for the Borough of *Dunheved*, otherwiſe *Launceſton*, in the County of *Cornwall*.

And the Council for the Petitioner; no Council appearing for Sir *John St. Aubin*, Baronet, whoſe Election and Return is conteſted by the Petitioner, was called in:

And the ſaid Petition was read;

And the laſt Determination of the Houſe, made upon the 17th Day of *March* 1723, concerning the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Dunheved*, alias *Launceſton*, in the County of *Cornwall*, which is thereby reſolved to be in the Mayor, Aldermen, and Freemen, being Inhabitants at the Time when they were made Free, and not receiving Pay of the Pariſh; was alſo read.

And the Reſolution of the Houſe of the 24th Day of *March* 1734, that the Aldermen of the Borough of *Dunheved*, alias *Launceſton*, in the County of *Cornwall*, ought to be elected out of the legal Freemen of the ſaid Borough only, was alſo read.

And the ſtanding Order of the Houſe, made upon the 16th Day of *January* 1735, for reſtraining the Council at the Bar of this Houſe, or before the Committee of Privileges and Elections, from

offering Evidence touching the Legality of Votes, for Members to ſerve in Parliament for any County, Shire, City, Borough, Cinque Port, or Place, contrary to the laſt Determination in the Houſe of Commons, was alſo read:

And the Council for the Petitioner was heard, and examined ſeveral Witneſſes, and produced Evidence, in order to prove, that four Perſons voted for the Petitioner, whoſe Names are not entered upon the Poll.

And the ſaid Council examined a Witneſs, and produced Evidence, in order to prove, that the ſaid four Perſons were entitled to vote, as being Free Burgeſſes of the ſaid Borough, and as having been Inhabitants at the Time when they were made Free.

Then the ſaid Council inſiſted, that the Votes of the ſaid four Perſons, who voted for the Petitioner, ought to be added to the Poll of the Petitioner, and that thereby the Petitioner would have a Majority of legal Votes.

And then the Council was directed to withdraw.

Reſolved, Nemine contradicente, That Sir *John St. Aubin,* Baronet, is not duly elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Dunheved,* otherwiſe *Launceſton,* in the County of *Cornwall.*

Reſolved, That *Peter Burrell,* Eſquire, is duly elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Dunheved,* otherwiſe *Launceſton,* in the County of *Cornwall.*

Ordered, That the Deputy Clerk of the Crown, do attend this Houſe to Morrow Morn-

Morning; to amend the Return for the Borough of *Dunbeved*, otherwiſe *Launceſton*, in the County of *Cornwall*, by raſing out the Name of Sir *John St. Aubin*, Baronet, and inſerting the Name of *Peter Burrell*, Eſquire, inſtead thereof.

Leiceſter.

Veneris, 8 *die Februarii*, 1705.

1. *Reſolved*, That ſuch Freemen, as were made free at the Charge of any of the Candidates, had not a Right to vote at the laſt Election of Burgeſſes to ſerve in Parliament for the Borough of *Leiceſter*.

2. *Reſolved*, That Perſons living in the Borough of *Leiceſter*, by Certificate, not having gained a Settlement by renting ten Pounds a Year, or ſerving in an annual Office, are not intitled, by paying Scot and Lot, to vote in the Election of Burgeſſes to ſerve in Parliament for the ſaid Borough.

Leſkeard.

1, *Martis*, 18 *die Novembris*, 1740.

The Houſe being acquainted, that no Return had been made in the Office of the Clerk of the Crown of a Burgeſs to ſerve in this preſent Parliament for the Borough of *Leſkeard*, in the County of *Cornwall*, in the Room of *George Dennis*, Eſq; deceaſed,

Ordered, That the Deputy-clerk of the Crown do attend this Houſe to-morrow Morning, with the Returns from the County of *Cornwall*, for this preſent Parliament, and likewiſe with his Docket-

Book of Writs and Returns for the Election of Members to ſerve in Parliament.

2. The Houſe being informed that the Under-ſheriff of the County of *Cornwall*, was in Town,

Ordered, That the ſaid Under-ſheriff do attend this Houſe to-morrow Morning.

3. *The reſt of the Proceedings concerning this Return (which are too long for our Plan) are to be found at length in the printed Votes of the next Day. The Caſe briefly was, a Writ had duly iſſued, and a Precept had been made therein, and duly executed, returned to the Under-Sheriff the Indenture by him compared with a Counter-part, which he executed for the Sheriff; the Writ and Return were, at the Under-Sheriff's Requeſt, ſent by the Town-clerk by Poſt, to the Under-ſheriff's Agent in* London, *to be conveyed to the Clerk of the Crown; but were taken by Robbers, and by them deſtroyed: It appeared by the Information of a Member and another Perſon, who were preſent, That* Charles Trelawney, *Eſq; was elected and returned; the Counter-Part of the Indenture was produced and read; and* ſtat. 7 H. 4. *and Part of* 23 H. 6. *were read; and thereupon it was*

Ordered, Nemine contradicente, That the Deputy-clerk of the Crown do file among the Returns of Members to ſerve in this preſent Parliament for the County of *Cornwall*, the Counter-part of the Indenture executed by the Sheriff of *Cornwall*, of the Return of *Charles Trelawney*, Eſq; to ſerve in this preſent Parliament as a Burgeſs for the Borough of *Leſkeard*, in the ſaid County, in the Room of *George Dennis*, Eſq; deceaſed, as the Return of the ſaid *Charles Trelawney*, to Parliament; it appearing to this Houſe, that the Writ and the principal Part of the aforeſaid Indenture, were taken away, in coming up to the Clerk of the Crown, by Highwaymen, who deſtroyed the ſame by burning them.

And he filed the ſame accordingly.

Leſt

Leſtwithiel.

Martis, 20 *die Decembris*, 1709.

1. *Reſolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Leſtwithiel*, in the County of *Cornwall*, is in the Mayor and ſix capital Burgeſſes, together with the ſeventeen Aſſiſtants annually choſen, and who had a Right to vote at the preceding Election of a Mayor.

Lewes.

Lunæ, 8 *die Maii*, 1735.

1. *Reſolved*, (*by the Committee*) That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Lewes* in the County of *Suſſex*, is in the Inhabitants, being Houſeholders, paying Scot and Lot.

Agreed to by the Houſe, *Nemine contradicente.*

Linlithgow.

Martis, 27° *Martii*, 1770.

Reſolved, That the Council for the Petitioner are not precluded by the Terms of the Petition, to prove, that the Voter was, at the Time of the Election, diveſted of the Eſtate under which he claimed to vote.

Litchfield.

Sabbati, 10 *die Martii*, 1701.

1. *Reſolved*, (*by the Committee*) That the Bailiff, Magiſtrates, Freeholders of forty Shillings a Year, and all that hold by Burgage-Tenure, have a Right to vote in the Election of Citizens to ſerve in Parliament for the City of *Litchfield*.

2. *Reſolved*, That ſuch Freemen only of the ſaid City as are inrolled, and pay Scot and Lot, have alſo a Right to vote in the Election of Citizens to ſerve in Parliament for the ſaid City of *Litchfield*.

3. *Reſolved*, That ſuch Freemen of the Taylors Company as are inrolled in the old Book of the Conſtitutions of the Taylors Company in the City of *Litchfield*, have not a Right to vote in the Election of Citizens to ſerve in Parliament for the ſaid City.

4. *Reſolved*, That ſuch Freemen only of the Taylors Company, as are inrolled in the new Book of the Conſtitutions of the Taylors Company in the City of *Litchfield*, have a Right to vote in the Election of Citizens to ſerve in Parliament for the ſaid City.

To theſe four Reſolutions the Houſe agreed.

Mercurii, 10 *die Decembris*, 1718.

5. *Reſolved*, That the Right of Election of Citizens to ſerve in Parliament for the City of *Litchfield*, is in the Bailiffs, Magiſtrates, Freeholders of forty Shillings *per Annum*, and all that hold by Burgage-Tenure, and in ſuch Feeemen only of the ſaid City as are enrolled, paying Scot and Lot there.

Veneris,

Veneris, 29° *die Januarii*, 1762.

6. *Reſolved*, That the Counſel for the ſitting Member petitioned againſt, be reſtrained from examining Witneſſes, as to the Right a Perſon had in Lands, out of which he had granted Annuities.

Liverpool.

Jovie, 5 *die Martii*, 1729.

1. The Right of Election (*for the Borough of* Liverpool, *in the County Palatine of* Lancaſter) was agreed, by the Counſel on both ſides, to be in the Mayor, Bailiffs, and Freemen of the ſaid Borough, not receiving Alms.

Ludgerſhall.

Sabbati, 11 *die Februarii*, 1698.

1. *Reſolved*, That the Right of electing Members to ſerve in Parliament for the Borough of *Ludgerſhall*, in the County of *Wilts*, is in ſuch Perſons, who have an Eſtate of Inheritance, or Freehold, or Leaſehold, determinable upon Life, within the ſaid Borough.

Ludlow.

Lunæ, 22 *die Decembris*, 1690.

1. *Reſolved*, That the new Charter, granted to the Town of *Ludlow*, by the late King *James*, whereby the ancient Method of electing Burgeſſes for Parliament is altered, is illegal and void.

Mercurii,

Mercurii, 1 die Martii, 1698.

2. *Reſolved*, That the Sons of Burgeſſes of *Ludlow*, and thoſe that marry the Daughters of Burgeſſes, have a Right to be made Burgeſſes of the ſaid Borough.

3. *Reſolved*, That every Perſon having a Right to be made a Burgeſs of the Borough of *Ludlow*, ought to demand ſuch his Right by Petition, ſigned by the Petitioner according to the Bye-Law made in the Year One thouſand ſix hundred and ſixty-three, and not otherwiſe.

Lymington.

Martis, 29 die Decembris, 1691.

1. *Reſolved*, That the Corporation of *Lymington* (*in Com. Southampton*) is a Corporation by Preſcription.

2. *Reſolved*, That the Mayor and Burgeſſes of *Lymington* only have the Right to elect a Burgeſs to ſerve in Parliament for that Borough.

Martis, 18 die Januarii, 1695.

3. *Reſolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Lymington*, is not in the Mayor, Burgeſſes, and Commonalty of the ſaid Borough, paying Scot and Lot.

4. *Reſolved*, That the Right of electing Members to ſerve in Parliament for the ſaid Borough of *Lymington*, is only in the Mayor and Burgeſſes of *Lymington*, excluſive of the Commonalty, paying Scot and Lot.

Jovis, 11 *die Januarii*, 1710.

5. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Lymington*, in the County of *Southampton*, is not in the Mayor, Burgeſſes and Inhabitants of the ſaid Borough, not receiving Alms.

6. *Reſolved*, That the Right of Election of Burgeſſes to ſerve Parliament for the Borough of *Lymington*, in the County of *Southampton*, is in the Mayor and Burgeſſes of the ſaid Borough only.

Malden.

Veneris, 20 *die Maii*, 1715.

1. Mr. *Hampden* (according to order) reported, *&c.* — as follow, *viz.*

Reſolved, That it is the Opinion of this Committee, that the Right of Election of Members to ſerve in Parliament for the Borough of *Malden*, in the County of *Eſſex*, is in ſuch Freemen as do not receive Alms, and are intitled to Freedom by Birth, Marriage or Servitude.

2. *Reſolved*, That it is the Opinion of this Committee, that ſuch Perſons who derive their Right to Freedom from Honorary Freemen of the Borough of *Malden* in the County of *Eſſex*, have not a Right to vote in the Election of Members to ſerve in Parliament for the ſaid Borough.

3. *Reſolved*, That it is the Opinion of this Committee, that Perſons claiming their Freedom by Purchaſe, and exerciſing Trades within the Borough of *Malden*, in the County of *Eſſex*, have not a Right to vote in the Elections of Members to ſerve in Parliament for the ſaid Borough.

4. *Reſolved*, That it is the Opinion of this Committee, that *John Comyns*, Serjeant at Law, having at the late Election of Members to ſerve in Parliament

ment for the Borough of *Malden*, in the County of *Eſſex*, wilfully refuſed to take the Oath of Qualification, as is directed by 9 *Ann. c.* 5. though duly required ſo to do, and not having at any Time before the Meeting of this Parliament taken the ſaid Oath, his Election is thereby void.

Here follow two Reſolutions of the Committee; who are duly elected, *&c.*

The ſaid Reſolutions being ſeverally read a ſecond Time, and the Queſtion being ſeverally put upon the three firſt of the ſaid Reſolutions, that the Houſe do agree with the Committee in the ſaid Reſolutions.

It paſſed in the Negative.

The reſt of the Reſolutions being ſeverally read a ſecond Time, were, upon the Queſtion ſeverally put thereupon, agreed unto by the Houſe.

Malmesbury.

1. *Jovis*, 18 *die Decembris*, 1740.

A new Writ was ordered for Malmeſbury, *&c. in the Room of Mr.* Earle, *who ſince his Election, accepted the Office of Clerk of his Majeſty's Ordnance.*

Marlborough.

Lunæ, 13 *die Maii*, 1717.

1. *Reſolved*, That the Right of Election of Members to ſerve in Parliament for the Borough of *Marlborough*, in the county of *Wilts*, is in the Mayor and Burgeſſes of the ſaid Borough only.

2. *Jovis*, 27 *die Martii*, 1735.

The laſt Determination of the Houſe made the thirteenth Day of *May*, One thouſand ſeven hundred

dred and ſeventeen, concerning the Right of Election of Members to ſerve in Parliament for the ſaid Borough, which was thereby reſolved to be in the Mayor and Burgeſſes of the ſaid Borough only, was read.

And the Council for the Petitioners were heard, and having produced a Copy of the Poll taken at the ſaid Election, they offered to produce Evidence in order to diſqualify eleven Burgeſſes of the ſaid Borough, who voted at the ſaid Election, by controverting the Election of *Edward Bell*, one of the Common-council of the ſaid Borough and Town on which the Right of Election of thoſe Burgeſſes depended.

And the Counſel for the ſitting Members having objected to the Admiſſion of that Evidence, as contradicting a Verdict and Judgment given in Favour of the ſaid *Edward Bell*'s Claim, upon an Information in the Nature of a *Quo Warranto*, brought againſt him for exerciſing the Office of one of the Common-council-men of the ſaid Borough and Town.

A Copy of the Record of the ſaid Information, Verdict and Judgment, was produced and read.

And Copies of ſeveral Rules of the Court of *King's Bench* made in that Cauſe were alſo produced and read.

And the Counſel for the Petitioners were heard, in Anſwer to the Objections made by the Counſel for the ſitting Members, and alledged that a Writ of Error upon the ſaid Judgment was now pending in Parliament, which the Counſel for the ſitting Members admitted.

And the Reſolution of the Houſe eighth February, 7 Ann. *concerning* Thomas Smith, *Bailiff of* Bewdly; *and the Journal of the Houſe, the fifteenth and ſeventeenth of* April, *concerning an Election for* Queenborough, *were read.*

Reſolved, That the Counſel for the Petitioners be admitted to give Evidence to diſqualify the Votes of eleven Burgeſſes of the Borough and Town of *Marlborough*, by controverting the Election of *Edward Bell* to be one of the Common-council of the ſaid Borough and Town of *Marlborough*, in contradiction to a Verdict obtained, and a Judgment given upon an Information in the Nature of a *Quo Warranto* brought againſt the ſaid *Edward Bell*, in favour of his Claim, to be one of the Common-council-men of the ſaid Borough and Town.

3. *Veneris*, 28 *die Martis*, 1735.

After many other Pieces of Evidence given this Day, it was

Reſolved, That *Edward Bell* was, before the ſeventh of *November*, One thouſand ſeven hundred and twenty-nine, duly elected and ſworn a Common-council-man of the Borough and Town of *Marlborough*.

4. *And then two Reſolutions paſſed in favour of the reſpective ſitting Members.*

Great Marlow.

Martis, 21 *die Decembris*, 1680.

1. *Reſolved*, That in the Borough of *Great Marlow*, in the County of *Bucks*, thoſe Inhabitants only who pay Scot and Lot, have a Right to give Voices in the Election of Burgeſſes to ſerve in this Parliament for the Borough, and

2. *Veneris*, 21 *die Novembris*, 1690.

The ſame Reſolution as above.

3. *Jovis*, 17 *die Januarii*, 1744.

On an Hearing for Great Marlow.

Reſolved, That an Inſtrument in Writing, offered in Evidence by the Counſel for the Petitioner, as the original Will of *Elias Simes*, bearing date the eighth Day of *July*, One thouſand ſeven hundred and thirty-eight, and containing a Deviſe of Lands, and produced at the Bar by *John Merchant*, as the original Will of *Elias Simes*; and which he the ſaid *John Merchant* declared, he brought from *Doctors Commons*, be admitted to be given in Evidence, although no Proof be made of the ſaid Will, by any of the ſubſcribed Witneſſes thereto.

2 *die Decembris*, 1747.

Reſolved, That the Execution of the Precept for electing Burgeſſes for the Borough of *Milbourn Port*, in the County of *Somerſet*, and the making the Return thereof, are only in the two Sub-bailiffs of the ſaid Borough, or in one Sub-bailiff of the ſaid Borough, if there are not two.

Middleſex.

Jovis, 8 *die Decembris*, 1768.

1. The Houſe being informed that the Sheriffs of the County of *Middleſex* attended at the Door, and deſired to communicate ſomething to this Houſe;

They were called in; and at the Bar acquainted the Houſe, that a numerous, daring, and outrageous Mob appeared this Day at *Brentford*, at the Election of a Knight of the Shire for the ſaid

County; obſtructed the Freedom of the ſaid Election, and had by Force and Violence, prevented the ſaid Sheriffs from going on with the Poll; that ſeveral of the Poll Books were miſſing; and that the ſaid Sheriffs had adjourned the Poll till to-morrow morning, nine of the Clock: and therefore they did apply to this Houſe, for their Directions how they ſhould proceed in taking the ſaid Poll; and did deſire the Protection of this Houſe.

And then they withdrew.

Ordered, Nemine contradicente, That the Sheriffs for the County of *Middleſex* be again called in, and that Mr. Speaker do inform them, that this Houſe doth highly approve of their Conduct, in making Application for the Directions of this Houſe, how they ſhall proceed on account of the daring and outrageous Mob, which appears this Day to have interrupted the Freedom of the Election for the ſaid County.

That they immediately do every Thing in their Power, to recover all the Poll Books, if poſſible; but if that cannot be done, that they do apply to the Check Clerks of each Candidate for the Books kept by them, and inform ſuch Clerks, that it is the Order of this Houſe, that they do produce and deliver the ſame to them.

That they do compare the ſaid Books, and report to this Houſe on *Saturday* Morning next, the State thereof.

That they do repair to-morrow Morning to the Place of Polling, purſuant to their Adjournment, and do then further adjourn the ſaid Poll to *Monday* Morning next, nine of the Clock.

That they do apply to the Magiſtrates of the County of *Middleſex*, and acquaint them, that it is the Order of this Houſe, that the ſaid Magiſtrates do attend the ſaid Election, and do ap-

appoint a proper Number of Conſtables, and take every other Means in their Power to preſerve the Peace and Freedom of the ſaid Election.

And that Mr. Speaker do aſſure the ſaid Sheriffs of the Support and Protection of this Houſe in the Execution of their Duty; and that this Houſe will proceed with the utmoſt Severity againſt any Perſon who ſhall dare to violate the Freedom of the ſaid Election.

And the Sheriffs were again called in, and Mr. Speaker acquainted them therewith.

And then they again withdrew.

Ordered, That the ſaid Order be forthwith printed and publiſhed.

Veneris, 17 die Februarii, 1769.

2. *Ordered*, That the Deputy Clerk of the Crown do attend this Houſe immediately with the Return to the Writ, for electing a Knight of the Shire to ſerve in this preſent Parliament for the County of *Middleſex*, in the Room of *John Wilkes*, Eſquire, expelled this Houſe.

And the Deputy Clerk of the Crown attending, according to Order;

The ſaid Writ and Return were read.

A Motion was made, and the Queſtion being propoſed, That *John Wilkes*, Eſquire, having been, in this Seſſion of Parliament, expelled this Houſe, was, and is, incapable of being elected a Member to ſerve in this Parliament;

The Houſe was moved, that the Entry in the Journal of the Houſe, of the ſixth Day of *March* 1711, in relation to the Proceedings of the Houſe, upon the Return of a Burgeſs for the Borough of *King's Lynn*, in the County of *Norfolk*, in the room of *Robert Walpole*, Eſquire, expelled the Houſe, might be read.

And the ſame was read accordingly.

The Houſe was alſo moved, that the Reſolution of the Houſe, of *Friday* the 3d Day of this Inſtant *February*, relating to the Expulſion of *John Wilkes*, Eſq; then a Member of this Houſe, might be read.

And the ſame being read accordingly;

An Amendment was propoſed to be made to the Queſtion, by inſerting after the Word "Houſe" theſe Words, "For having been the Author and "Publiſher of what this Houſe hath reſolved to be "an inſolent, ſcandalous and ſeditious Libel; and "for having been convicted in the Court of King's "Bench, of having printed and publiſhed a ſe-"ditious Libel, and three obſcene and impious "Libels; and having by the Judgment of the "ſaid Court, been ſentenced to undergo twenty-"two Months Impriſonment, and being in Exe-"cution under the ſaid Judgment."

And the Queſtion being put, that thoſe Words be there inſerted;

The Houſe divided.

The Yeas went forth.

Tellers for the Yeas { Sir *Joſeph Mawbey*, Sir *Nicholſon Calvert:* } 102.

Tellers for the Noes { Sir *Edward Bayntun*, Mr. *Burrell.* } 228.

So it paſſed in the Negative.

Then the main Queſtion being put, that *John Wilkes*, Eſquire, having been in this Seſſion of Parliament, expelled this Houſe, was and is, incapable of being elected a Member to ſerve in this preſent Parliament;

The Houſe divided.

The Yeas went forth.

Tellers for the Yeas { Lord *Strange*, Mr. *Onſlow:* } 235.

Tellers for the Noes { Lord *John Cavendiſh*, Mr. *Hotham.* } 89.

So

So it was reſolved in the Affirmative.

A Motion being made, That the late Election of a Knight of the Shire to ſerve in this preſent Parliament for the County of *Middleſex*, is a void Election.

A Member in his Place informed the Houſe, that he was preſent at the laſt Election of a Knight of the Shire to ſerve in this preſent Parliament for the ſaid County; that there was no other Candidate than the ſaid Mr. *Wilkes*; that there was no Poll demanded for any other Perſon, nor any kind of Oppoſition to the Election of the ſaid Mr. *Wilkes*.

Reſolved, That the late Election of a Knight of the Shire to ſerve in this preſent Parliament, for the County of *Middleſex*, is a void Election.

Veneris, 17 *die Martii*, 1769.

3. *Reſolved*, That the Election and Return of *John Wilkes*, Eſq; who hath been by this Houſe adjudged incapable of being elected a Member to ſerve in this preſent Parliament, are null and void.

Veneris, 14 *die Aprilis*, 1769.

4. Same *Reſolution* verbatim, reſpecting the Member, upon his *Re-election*.

Sabbati, 15 *die Aprilis*, 1769.

5. *Reſolved*, That *Henry Lawes Luttrell*, Eſq; ought to have been returned a Knight of the Shire, to ſerve this preſent Parliament, for the County of *Middleſex*.

Lunæ, 8 *die Maii*, 1769.

6. *Reſolved*, That *Henry Lawes Luttrell*, Eſq; *though the Numbers upon the Poll were for Mr. Wilkes*, 1143, *and for Mr. Luttrell only* 296, is duly elected a Knight of the Shire, to ſerve in this preſent Parliament, for the County of *Middleſex*.

Lunæ, 19 *die Februarii*, 1770.

A Motion was made, and the Queſtion being put, to agree with the Committee in the ſecond Part of the Reſolution, That the Judgment of this Houſe declared, in the Reſolution of the 17th of *February* laſt, "That *John* "*Wilkes*, Eſq; having been in this Seſſion of Par-"liament expelled this Houſe, was, and is in-"capable of being elected a Member to ſerve in "this preſent Parliament," was agreeable to the Law of the Land, and fully authoriſed by the Law and Cuſtom of Parliament.

The Houſe divided.

The Noes went forth.

Tellers of the Yeas { Mr. *Charles Fox*, Mr. *Burrel:* } 237.

Tellers for the Noes { Mr. Ald. *Townſend*, Mr. *Calcraft*. } 159.

So it was reſolved in the Affirmative.

Winchead.

Minehead.

Jovis, 23 die Maii, 1717.

1. The Clerk of the Crown attending (according to Order) with the Return for the Borough of *Minehead*, in the County of *Somerſet*,

The Indenture annexed to the Writ, and returned by the Sheriff to the Clerk of the Crown, and the Sheriff's Return endorſed upon the Writ, were read.

Then the High-Sheriff was called in, and delivered in the Receipt which was given him upon the Delivery of the Precept.

And the ſaid Receipt was read, and the High Sheriff examined; and then he withdrew.

Afterwards the Under-Sheriff was called in and examined; and then he withdrew.

Then *John Jones*, one of the Conſtables of *Minehead*, was called in and examined, and he produced two Preceipts with Receipts endorſed thereupon, and the two Indentures of Return, which were read, and then he withdrew.

Alſo Mr. *Blake* of *Minehead* was called in and examined, and then he withdrew.

And a Motion being made, and the Queſtion being put, that the Merits of the Election, and Return for the Borough of *Minehead*, in the County of *Somerſet*, be referred to the Committee of Privileges and Elections;

It paſſed in the Negative.

2. *Reſolved*, That the Indenture ſigned by the Burgeſſes of *Minehead*, in Return to the Sheriff of the County of *Somerſet*'s Precepts for electing Burgeſſes to ſerve in this preſent Parliament for the ſaid Borough, not being ſigned by *John Jones*, one of the ſaid Burgeſſes to whom the ſaid Sheriff cauſed

cauſed his Precept to be delivered, is an undue and inſufficient Return.

3. *Reſolved*, That the Indenture ſigned by the ſaid *John Jones*, and other Burgeſſes of the ſaid Borough of *Minehead*, and which was tendered to the ſaid Sheriff, is a due and ſufficient Return.

4. *Ordered*, That the Clerk of the Crown do take off from the Writ, the Indenture ſigned by the Burgeſſes of the Borough of *Minehead*, in the County of *Somerſet*, which is not ſigned by *John Jones*, one of the ſaid Burgeſſes, to whom the Sheriff cauſed his Precept to be delivered.

5. *Ordered*, That the Sheriff of the County of *Somerſet*, do receive and annex to the Writ the Indenture ſigned by *John Jones*, and others the Burgeſſes of the ſaid Borough of *Minehead*.

6. *Ordered*, That *Samuel Edwyn*, Eſq; and *Thomas Gage*, Eſq; have liberty to Petition this Houſe in relation to the Election for the ſaid Borough of *Minehead*, within fourteen Days next, if they think fit.

7. *Jovis, 13 die Junii*, 1717.

Reſolved, That the Conſtables of *Minehead* are the proper Officers to whom the Precept for electing Burgeſſes to ſerve in Parliament for the Borough of *Minehead*, in the County of *Somerſet*, ought to be delivered, and to whom the Execution of ſuch Precept doth belong.

8. *Lunæ*, 24 *die Februarii*, 1717.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Minehead*, in the County of *Somerſet*, is in the Pariſhioners of *Minehead* and *Dunſter*, being Houſekeepers

keepers in the Borough of *Minehead*, and not receiving Alms.

8. *Lunæ*, 24 *die Januarii*, 1721.

9. A Petition of *John Thomas* and *John Floyd*, Conſtables of the Borough of *Minehead*, in the County of *Somerſet*, was preſented to the Houſe and read, ſetting forth, that they are the proper Officers to whom the Precept for electing Burgeſſes to ſerve in Parliament for the ſaid Borough ought to be delivered, and to whom the Execution of ſuch Precept doth belong; but that at the late Election of a Burgeſs to ſerve in Parliament for the ſaid Borough, the High Sheriff cauſed the Precept to be delivered to *John Viccary* and *Joſeph Sherry*, and hath accepted a Return from them, and tranſmitted the ſame to the Clerk of the Crown in defiance of the Reſolution of this Houſe of the thirteenth of *June*, One thouſand ſeven hundred and ſeventeen, and did refuſe to accept a Return from the Petitioners, though tendered to him by one of the Petitioners in Perſon; and praying the Houſe to take the Premiſſes into Conſideration, and give ſuch Relief as they ſhall think proper.

The Journal of the Houſe of the ſaid thirteenth Day of *June*, One thouſand ſeven hundred and ſeventeen, relating to the Right of returning Members to ſerve Parliament for the ſaid Borough was read.

Ordered, That the Clerk of the Crown do attend this Houſe to-morrow Morning, with the Return of a Burgeſs to ſerve in Parliament for the Borough of *Minehead*, in the County of *Somerſet*, in the Room of *James Milner*, Eſq; deceaſed.

10. The Houſe being informed, that *John Thomas* and *John Floyde* (Petitioners) were attending

at

at the Door with the Return by them tendered to the High-ſheriff of the County of *Somerſet*,

Ordered, That *John Thomas* and *John Floyde* (Conſtables for the Borough of *Minehead*, in the County of *Somerſet*) do attend this Houſe to-morrow Morning, with the Return which was by them tendered to the High-ſheriff of the County of *Somerſet*.

11. *Martis*, 9 *die Januarii*, 1721.

The Clerk of the Crown attending (according to Order) with the Return of a Burgeſs to ſerve in this preſent Parliament for the Borough of *Minehead*, in the County of *Somerſet*, in the Room of *James Milner*, Eſq; deceaſed, the ſaid Return was read, which was ſigned by ſeveral of the Burgeſſes of the ſaid Borough; and alſo the Precept of the Sheriff directed to the Burgeſſes, and Electors of the ſaid Borough of *Minehead* was read; but there was not any Indorſement on the Back of the ſaid Precept.

And *John Thomas* and *John Floyde*, (Conſtables of the ſaid Borough) were called in and examined, and then they withdrew.

And a Witneſs was examined, who delivered in the Court-Rolls of the Manor and Borough of *Minehead*, at a Court held *October* the nineteenth, One thouſand ſeven hundred and twenty-one, where the Conſtables of the ſaid Borough were appointed, and ſo much of the ſaid Rolls as related to the appointing of Conſtables was read.

And then *John Thomas* and *John Floyde*, (Conſtables of the ſaid Borough) were called in, and at the Bar delivered in the Indenture of Return, which was by them tendered to the High-ſheriff of the County of *Somerſet* after the late Election

of

of a Burgeſs to ſerve in this preſent Parliament for the ſaid Borough. And then they withdrew.

And the ſaid Indenture was read.

And the Reſolution of the Houſe of the thirteenth of *June*, One thouſand ſeven hundred and ſeventeen, by which it was reſolved, that the Conſtables of *Minehead* are the proper Officers to whom the Precept for electing Burgeſſes to ſerve in Parliament for the ſaid Borough ought to be delivered, and to whom the Execution of ſuch Precept doth belong, was read.

Ordered, That the Clerk of the Crown do take off from the File the Indenture ſigned by *John Viccary*, and *Joſeph Sherry*, and other Burgeſſes of the Borough of *Minehead*, in the County of *Somerſet*, the ſame not being ſigned by the Conſtables of the ſaid Borough.

12. *Ordered*, That the Clerk of the Crown do receive and annex to the Writ, for the electing of a Burgeſs for the ſaid Borough, the Indenture delivered in to this Houſe by the Conſtables of the ſaid Borough, which was ſigned by them, and tendered to the High-ſheriff of the County of *Somerſet*.

13. *Reſolved*, That *John Viccary* and *Joſeph Sherry*, having preſumed to act as the Returning Officer at the next Election of a Burgeſs to ſerve in Parliament for the Borough of *Minehead*, in the County of *Somerſet*, in defiance of the Reſolution of this Houſe, are guilty of a high Crime and Miſdemeanor.

14. They were ordered into Cuſtody; and the High-ſheriff and Under-ſheriff of the County were ordered to attend.

Jovis,

Jovis, 11 *die Januarii*, 1721.

15. *Reſolved*, That *John Fox* being employed to carry the Writ for the late Election of a Burgeſs to ſerve in Parliament for the Borough of *Minehead*, to the High-ſheriff of the County of *Somerſet*, has been guilty of a Breach of Truſt in delivering the ſame to a Candidate,

16. *Ordered*, That the ſaid *John Fox* be, for the ſaid Offence, taken into the Cuſtody of the Serjeant at Arms attending this Houſe.

Jovis, 18 *die Januarii*, 1721.

17. A Motion being made, *&c.* that *John Wills*, Eſq; is guilty of a Crime, in having cauſed the Writ for the late Election of a Burgeſs to ſerve in this preſent Parliament, for the Borough of *Minehead*, in the County of *Somerſet*, to be delivered to a Candidate;

It paſſed in the Negative.

18. A Motion being made, and the Queſtion being put, that Sir *Richard Lane*, Knight, being a Candidate at the late Election of a Burgeſs to ſerve in this preſent Parliament, for the Borough of *Minehead*, in the County of *Somerſet*, is guilty of a Crime in receiving and detaining the Writ directed to the Sheriff for the ſaid Election;

It paſſed in the Negative.

Mitchell.

Jovis, 12 *die Decembris*, 1689.

1. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the ſaid Borough, (*Mitchell in Com. Cornub.*) is in the Lords of the Borough

Borough who are liable to be choſen Port-reeves thereof, and in the Houſeholders of the ſame, not receiving Alms.

2. *Mercurii*, 12 *die Decembris*, 1690.

The ſame Reſolution agreed to by both Parties.

3. *Jovis*, 20 *die Martii*, 1700.

Reſolved, That the Right of Election of Members to ſerve in Parliament for the Borough of *Mitchell*, in the County of *Cornwall*, is in the Port-reeves and Lords of the Manor, who are capable of being Port-reeves, and the Inhabitants of the ſaid Borough paying Scot and Lot.

Monmouth. See *WALES*. P. 94.

1. *Veneris*, 26 *die Novembris*, 1680.

Reſolved, That the Right of Election of a Burgeſs to ſerve in Parliament for the Borough of *Monmouth*, doth not belong to the Burgeſſes, Inhabitants of the Borough of *Monmouth* only.

2. *Reſolved*, That the Burgeſſes Inhabitants of the Boroughs of *Newport* and *Uſke*, in the County of *Monmouth*, have a Right to vote in the Election of a Burgeſs to ſerve in Parliament for the ſaid Borough of *Monmouth*.

3. *Sabbati*, 11 *die Junii*, 1715.

The Houſe proceeded to the hearing the Matter of the Petition of *Andrews Windſor*, Eſq; touching the

the Election and Return for the Borough of *Monmouth.*

The Counſel for the Petitioner inſiſting to proceed upon the Merits of the Return in the firſt Place, which the Counſel for the ſitting Member oppoſing, and inſiſting that the Merits of the Election ought to be proceeded on at the ſame Time, *&c.*

Reſolved, That the Counſel for the Petitioner be directed to proceed upon the Merits of the Election, as well as upon the Merits of the Return for the Borough of *Monmouth.*

4. *Martis,* 14 *die Junii,* 1715.

The Clerk of the Crown attending with the Return for the Borough of *Monmouth,* the ſame was read, and appeared to be made by the Mayor of *Newport,* and ſeveral Burgeſſes of *Monmouth, Newport* and *Uſke,* without the Precept from the Sheriff of the County of *Monmouth* being annexed thereto.

Ordered, That the Clerk of the Crown do take the ſaid Return off the File.

And he took the ſame off accordingly.

And the Houſe being acquainted that the Mayor of *Monmouth* was in Town with the Return for the ſaid Borough annexed to the Precept to him directed;

Ordered, That the Mayor of the Borough of *Monmouth,* do forthwith deliver to the Clerk of the Crown the Return (with the Precept annexed) of a Burgeſs to ſerve in this preſent Parliament for the ſaid Borough; and that the Clerk of the Crown do annex the ſame to the Writ returned by the Sheriff of the County of *Monmouth.*

Mont-

Montgomery.

1. *Martis*, 1 *die Aprilis*, 1679.

Double Return for the Borough of Montgomery.

One Indenture between the Sheriff of the County of one Part, and —— *Whittingham* and *Roger Jones*, Bailiffs, and many Burgeſſes of the other Part, wherein Mr. *Matthew Price* is returned. Signed by both Bailiffs, and many Burgeſſes, and a large Seal againſt the Bailiffs Names, and a Seal to each of the Burgeſſes Names.

Another between the Sheriffs of one Part, and many Burgeſſes of the Borough of *Montgomery*, *Pool*, and *Kanvilling* of the other Part, whereby Mr. *Edward Lloyd* is returned. Signed by many Burgeſſes, neither of the Bailiffs Hands, nor any Seal at all.

Reſolved, That the Indenture wherein *Matthew Price*, Eſq; is returned to ſerve in this Parliament for the Borough of *Montgomery*, is well and duly returned, and by the proper Officers, and that thereupon he ought to ſit in this preſent Parliament, as well returned for the ſaid Borough of *Montgomery*.

2. *Martis*, 16 *die Aprilis*, 1728.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Shire Town of *Montgomery*, is in the Burgeſſes of the ſaid Shire-Town only.

Morpeth.

1. *Lunæ*, 9 *die Martii*, 1694.

Reſolved, That the Right of electing Burgeſſes to ſerve in Parliament, for the Borough of *Morpeth* (*in Com. Norththumberland*) is only in the Bailiffs and Free Burgeſſes of the ſaid Borough.

Newark.

Jovis, 11 *die Januarii*, 1699.

Reſolved, That the Mayor, Aldermen, and all the Inhabitants within the Borough of *Newark* upon *Trent*, (*in Com. Nottingham*) who pay, or ought to pay Scot and Lot within the ſaid Borough, have a Right to vote at the Election of Members to ſerve in Parliament for the ſaid Borough.

New-Radnor.

Martis, 7 *Martii*, 1769.

Reſolved, That the ſeveral Perſons, though they had no other Claim to be Burgeſſes of the Boroughs of *Rhayader* and *Knuclaſs*, than by virtue only of a Preſentment made in a pretended Court Leet, holden under the Authority of certain Letters Patent, which appear not to have been inrolled within the Time expreſsly required by the ſaid Letters Patent, in order to the Validity thereof, ought to have been admitted as legal Voters, at the laſt Election of a Member to ſerve in Parliament for the Borough of *New-Radnor*.

New-

New-Shoreham.

Lunæ, 3° die Decembris, 1770.

1. The like *Memorandum* as for *Scarborough*. Jovis 15° die Novembris, 1770. 2.

Martis, 11° die Decembris, 1770.

2. The Hour appointed for taking into Conſideration the Petition of *Thomas Rumbold*, of *Hill Street, Berkley Square*, in the County of *Middleſex*, Eſq; complaining of an undue Election and Return for the Borough of *New Shoreham*, in the County of *Suſſex* being come;

The Houſe proceeded to the Appointment of a Select Committee, to try and determine the Merits of the ſaid Election and Return, according to the Directions of an Act paſſed in the laſt Seſſion of Parliament, intituled "An Act to regulate the Trials of controverted Elections, or Returns of Members to ſerve in Parliament."

The Serjeant at Arms was directed by Mr. Speaker, to go with the Mace to the Places adjacent, and require the immediate Attendance of the Members on the Buſineſs of the Houſe.

He went accordingly.

And being returned;

The Houſe was counted by Mr. Speaker, and One hundred thirteen Members being found to be preſent, The Petitioner, his Council, and Agents, and the Council and Agents for the ſitting Member, who attended at the Door, were called in to the Bar—The Clerk of the Select Committee of Elections attending alſo at the Bar.

And the Door of the Houſe being locked, the Clerk was directed by Mr. Speaker to read the Order of the Day, for taking the ſaid Petition into Conſideration.

And the ſame being read accordingly:

The Box containing the Names of all the Members of the Houſe, and ſealed with Mr. Speaker's Seal, was placed upon the Table, and the Seal being inſpected by Mr. Speaker, the Atteſtation to the Outſide of the ſaid Box, ſigned by Mr. Speaker, purporting, "That the ſaid Box was, on the 10th Day of *December* 1770, made up in his Preſence, in the Manner directed by an Act made in the laſt Seſſion of Parliament, intituled, "An Act to regulate the Trials of controverted Elections, or Returns of Members to ſerve in Parliament," was read.

And the Seals being broken open, and the Box opened, the Atteſtation incloſed therein, and ſigned by the Clerk, purporting, "That the Names of all the Members were by him, in the Preſence of the Speaker, put into the ſaid Box, on the 10th Day of *December*, 1770," was read.

And the ſaid Names, written on diſtinct Pieces of Paper, being all, as near as might be, of an equal Size, and rolled up in the ſame Manner, were by the Clerk taken out of the ſaid Box, and put in equal Numbers into ſix Glaſſes, placed on the Table for that Purpoſe, and were there ſhaken together; and then the Clerk publickly drew out of the ſaid ſix Glaſſes, alternately, the ſaid Pieces of Paper, and delivered them to Mr. Speaker, who read the ſame to the Houſe.

And the Names of eight Members then preſent were drawn, who were not objected to.

And the Name of *Charles Gray*, Eſq; being drawn, he required to be excuſed from ſerving on the ſaid Select Committee, on account of his being Sixty Years of Age, or upwards; and having

having at the Table verified the Cauſe of ſuch Requiſition upon Oath, he was excuſed accordingly.

Memorandum: The Form of the Oath adminiſtered to the ſaid *Charles Gray*, Eſq; is as follows; *Viz.* The Matter alledged by you, and now taken down and read, as an Excuſe for not ſerving on this Committee, is the Truth.

So help you God.

And the Names of ſix other Members then preſent, were drawn, who were not objected to.

And the Name of *Robert Henley Ougley*, Eſq; being drawn, the Council for the ſitting Member declared, That the ſaid Mr. *Ougley* was intended to be nominated by the ſaid ſitting Member; and the ſaid Mr. *Ougley*, having in his Place conſented to ſuch Nomination, and no Objection being made his ſerving on the ſaid Select Committee as ſuch Nominee, his Name was ſet aſide.

And the Names of three other Members then preſent, were drawn, who were not objected to.

And the Name *James Weſt*, Eſq; being drawn, he required to be excuſed from ſerving on the ſaid Select Committee, on account of his being Sixty Years of Age, or upwards; and having at the Table verified the Cauſe of ſuch Requiſition, upon Oath (in the Manner before mentioned) he was excuſed accordingly.

And the Names of thirty-two other Members then preſent were drawn, who were not objected to.

And the whole Number of Forty-Nine Members ſo drawn, and not excuſed or ſet aſide, being compleat, the Counſel for the Petitioner was called upon by Mr. *Speaker* to nominate one, from

among the Members then preſent, whoſe Names had not been drawn, to be added to thoſe choſen by Lot, to ſerve on the ſaid ſelect Committee.

Whereupon the ſaid Counſel acquainted the Houſe, that the Petitioner had inſtructed him not to nominate any Member for that Purpoſe, but to requeſt of the Houſe, that the want of ſuch Nomination might be ſupplied by drawing out of the ſaid Glaſſes, the Name of a Member then preſent, in like Manner as the Names of the other Forty-nine Members had been already drawn.

Which being done accordingly;

The Name of *Richard Oliver*, Eſq; was drawn, who was not objected to.

And to two Liſts of the Names of the Forty-nine Members, ſo drawn as aforeſaid, and not excuſed or ſet aſide, having been prepared by the Clerk, the Name of the ſaid *Richard Oliver*, Eſq; was added to each of the ſaid Liſts.

And the Door of the Houſe being opened;

One of the ſaid Liſts was delivered to the Council for the Petitioner, and the other of them to the Council for the ſitting Member; and thereupon the Petitioner, with the Council and Agents on both Sides, together with the Clerk appointed to attend the Select Committees of Elections, immediately withdrew.

And being, after ſome Time, again returned to the Bar, the ſaid Clerk attending the ſaid Committees of Elections, informed the Houſe, that the Council for the Petitioner, and the Council for the ſitting Member, had (in his Preſence) beginning on the Part of the Petitioner, alternately ſtruck off one of the ſaid Fifty Names, contained in the ſaid Liſts, until the Number was reduced to Fourteen; and he delivered in to the Houſe the Liſts ſo ſtruck, together with a new Liſt of the Names of the Fourteen Members then remaining unſtruck, which

which laſt mentioned Liſt was read to the Houſe by Mr. *Speaker*, and is as follows:

Sir *Robert Ladbroke*, *Frederick Montague*, Eſq; *Paul Feilde*, Eſq; *Thomas Whateley*, Eſq; *Michael Byrne*, Eſq; *Barlow Trecothick*, Eſq; Sir *Edward Aſtley*, Baronet, Lord *John Cavendiſh*, Honourable *Thomas Howe*, *Roſe Fuller*, Eſq; Honourable *Charles Marſham*, Lord *Haſley*, *Richard Fuller*, Eſq; Lord *Charles Spencer*.

And the Name of the ſaid *Robert Henley Ougley*, Eſq; nominated as aforeſaid, being added to the ſaid Liſt, the Names of the ſaid Fifteen Members were called over, and being come to the Table, they were acquainted by Mr. *Speaker*, that they were a Select Committee appointed to try the Merits of the Petition of *Thomas Rumbold*, Eſq; complaining of an undue Election and Return for the Borough of *New-Shoreham*, in the County of *Suſſex*; And they were then ſworn by the Clerk as follows;

You, and each of you, ſhall well and truly try the Matter of the Petition of *Thomas Rumbold*, Eſq; referred to you, and a true Judgment give according to the Evidence.

So help you God.

And the Petitioner with the Council and Agents on both ſides were then ordered to withdraw.

3. *Reſolved*, That the ſaid ſelect Committee do meet forthwith, in the new Committee Chamber, appointed for hearing the Trials of controverted Elections.

4. *Ordered*, That the Fees to be taken by the Clerk appointed to attend the ſaid ſelect Committee, be the ſame as directed in the Printed Table of Fees to be taken by the Clerks attending the Committee of Privileges and Elections; and that he do not preſume to demand or take any other Fees, than what are allowed by the ſaid printed Table.

Lunæ, 17° die Decembris, 1770.

5. *Reſolved*, That it appears to this Committee, That at the laſt Election for *New-Shoreham*, Eighty-ſeven Perſons voted for Mr. *Rumbold*, Thirty-ſeven for Mr. *Purling*, and Four for Mr. *James*: That all who voted for Mr. *Rumbold*, except one, took the Bribery Oath before they gave their Votes: That *Hugh Roberts*, the returning Officer, put Queries to the Names of Seventy-ſix of the Voters for Mr. *Rumbold*, at the Time they gave their Votes; and and immediately on the Cloſe of the Poll declared Mr. *Purling* duly elected.

6. *Reſolved*, That it is the Opinion of this Committee, that the Conduct of the Returning Officer in taking the Poll, and making the Return, at the laſt Election of a Burgeſs to ſerve in Parliament for the Borough of *New Shoreham*, was illegal.

7. *Reſolved*, That it appears to this Committee, that, in the Borough of *New Shoreham*, a Society has for many Years ſubſiſted, which has aſſumed the Name of the *Chriſtian Society*; that none but Voters for Repreſentatives in Parliament were ever admitted into the Society, and that a great Majority of the Voters for *New Shoreham* were Members; that the Society had a conſtant Clerk; that they held a regular Monthly, and frequently Occaſional Meetings; and that, whenever they met, a Flag was hoiſted to give Notice of ſuch Meeting; that the Members of the Society, about three Years ago, entered into Articles for raiſing and diſtributing ſmall Sums of Money to charitable Uſes, but that theſe Articles were deſigned only to cover the real Intent of their Inſtitution; that the principal Purpoſe of their Meeings was, for what they call Burgeſſing Buſineſs; that they all took an Oath of Secrecy, and entered into a Bond, under a Penalty of Five hundred Pounds, to bind them all together, with regard to Burgeſſing, but that the Condition

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of the Bond does not preciſely appear; that upon any Vacancy in the Repreſentation of the Borough, the Society always appointed a Committee to treat with the Candidates for the Purchaſe of the Seat, and that the Committee were conſtantly inſtructed to get the moſt Money, and make the beſt Bargain they could; that the Society never appointed a Committee for any other Purpoſe, and that they had no ſtanding Committee; that on a falſe Report of the Death of Sir *Samuel Corniſh* in *February* laſt, the Society was called together by the Signal of the Flag; that many of the Members at that Meeting (which was very numerous) declared they would ſupport the higheſt Bidder; that ſome, and amongſt them *Hugh Roberts*, the Returning Officer at the laſt Election, expreſſed themſelves offended at ſuch a Declaration, and ſaid, that they were afraid of Conſequences, for the Society was only a Heap of Bribery, and withdrew from the Society; that one of thoſe who withdrew, going about two Months ago to a Meeting of the Society, was treated with harſh Expreſſions, and told he came amongſt them as a Spy; that, however the Society continued to meet; that their Meetings were frequent near the Time of the Election; that it was ſaid, that a Committee was appointed after the Death of Sir *Samuel Corniſh*; that none of the Members ſaid to be of that Committee voted at the laſt Election, though moſt of them were in *New Shoreham* on the Day of the Election; that, three Days before the Election, the Society was reported to be diſſolved, but that the Members of it have ſince reſumed their Meetings: That, after Evidence of theſe Facts had been laid before this Committee, the Counſel for Mr. *Purling* informed this Committee, that he was inſtructed by his Client to acquaint the Court, that he could not carry his Caſe further than by

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the Witneſſes already examined; that he could not impeach Mr. *Rumbold*'s Election, or affect his Votes, and therefore that he would not give him any more Trouble.

8. *Reſolved*, That it is the Opinion of this Committee, that this Committee having tried the Matter of the Petition referred to them, cannot make any further Inquiry into the Tranſactions of the ſaid Society.

9. *Reſolved*, That it is the Opinion of this Committee, that a further Inquiry into the Tranſactions of the ſaid Society ought to be made.

Martis, 29 *die Januarii*, 1771.

10. *Reſolved*, *Nemine contradicente*, That the ſaid Inquiry into the Tranſactions of the ſaid Society be heard at the Bar of this Houſe.

11. *Reſolved*, That the ſaid Inquiry be heard at the Bar of this Houſe, upon *Thurſday* the fourteenth Day of *February* next.

Jovis, 14 *die Februarii*, 1771.

The ſaid *Hugh Roberts* was, according to Order, brought to the Bar, where he, upon his Knees, received a Reprimand from Mr. *Speaker*, and was ordered to be diſcharged out of Cuſtody, paying his Fees.

Newtowne.

1. *Martis*, 22 *die Aprilis*, 1729.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Newtowne* in the Iſle of *Wight*, in the County of *Southampton*, is in the Mayor and Burgeſſes of the ſaid

ſaid Borough having Borough-Lands within the ſaid Borough.

Northampton.

26 die Aprilis, 16 Ch. 2.

1. *Reſolved*, That the Inhabitants of the Town of *Northampton*, being Houſholders, and not receiving Alms, are the proper Electors for that Town; and that the ſharing in the charitable Gift appointed to be diſtributed at *Chriſtmas*, is a taking of Alms.

Lunæ, 11 *die Novembris*, 1678.

2. It appearing to the Houſe, that the Precept from the Sheriff was directed to the Mayor and Juſtices for the Borough of *Northampton*, and that the Indenture annexed to the Writ, whereby Sir *William Temple* is returned for the ſaid Borough, is not ſigned by the Mayor, nor the Seal of the Corporation fixed thereto. And that the Indenture whereby *Ralph Montague*, Eſq; is returned, is ſigned by the Mayor, and the Seal of the Corporation fixed thereto, and that the ſame is annexed to the Precept of the Sheriff.

Reſolved, *Nemine contradicente*, That the Indenture annexed to the Writ, whereby Sir *Richard Temple* is returned to ſerve as a Burgeſs for the ſaid Borough of *Northampton*, is not a ſufficient Return.

3. *Reſolved*, *Nemine contradicente*, That the Indenture ſigned by the Mayor of *Northampton*, and ſealed with the common Seal of the Corporation, and which is annexed to the Sheriff's Precept, whereby *Ralph Montague*, Eſq; is returned to ſerve for the ſaid Borough, is a due Return, and ought to be annexed to the Writ.

And

And the Sheriff was ordered to annex the ſame accordingly; and

Was ordered into Cuſtody of the Serjeant of Arms.

4. *Veneris*, 21 *die Martii*, 1734.

The Houſe (according to the Order) proceeded to the hearing of the Matter of the Petition of *Edward Montague*, Eſq; complaining of an undue Election and Return for the Town and Borough of *Northampton* in the County of *Northampton*.

And the laſt Determination of the Houſe concerning the Right of electing Burgeſſes to ſerve in Parliament for the ſaid Town, made the twenty-ſixth Day of *April*, in the ſixteenth Year of the Reign of King *Charles* the Second was read; whereby it was reſolved, That the Inhabitants of the Town of *Northampton*, being Houſholders, and not receiving Alms, are the proper Electors of Burgeſſes for that Town; and that the ſharing in the charitable Gift appointed to be diſtributed at *Chriſtmas* is a taking of Alms.

5. And the Counſel for the Petitioner was heard, and inſiſting that the Freemen of the ſaid Town having uſually voted at former Elections, ſubmitted to the Houſe, whether the ſaid Freemen are excluded by the ſaid Reſolution.

And the Counſel for the ſitting Member was alſo heard, and inſiſting that the ſaid Reſolution having declared the Inhabitants of the ſaid Town, being Houſhoulders and not receiving Alms, to be the proper Electors of Burgeſſes to ſerve in Parliament for that Town, ſubmitted it to the Houſe whether the Right of Election is not in them only?

Then the Counſel for the Petitioner acquainted the Houſe, That if it was their Opinion that the Right of electing Burgeſſes to ſerve in Parliament

for

for the ſaid Town, was by the ſaid Reſolution confined to the Inhabitants thereof being Houſholders, and not receiving Alms, he was not prepared to maintain a Majority of Votes for the Petitioner, and would in that Caſe give the Houſe no further Trouble.

Reſolved, That the Honourable *George Compton*, Eſq; is duly elected a Burgeſs to ſerve in this preſent Parliament for the Town of *Northampton*.

Martis, 7° die Februarii, 1769.

1. *Reſolved*, That the Counſel for the Petitioner be admitted to produce Evidence, on the Petition of the Honourable *Thomas How*, of the Partiality and Attachment of the returning Officers of the Borough of *Northampton*, to the ſitting Members, before Mr. *How* became a Candidate for the ſaid Borough.

Norwich.

1. *Jovis, 12 die Martii, 1701.*

Reſolved, That the Right of electing Citizens to ſerve in Parliament for the City of *Norwich*, is in the Freeholders and ſuch Freemen only of the ſaid City, as are entered in the Books, and do not receive Alms or Charity.

2. *Reſolved*, That ſuch Perſons as had a Right to their Freedom in the City or *Norwich*, before the Teſt of the Writ, and took out their Freedom after the ſaid Teſt, not having demanded the ſame before the ſaid Teſt, had not a Right to vote in the laſt Election of Citizens to ſerve in this preſent Parliament for the ſaid City.

3. *Jovis,*

3. *Jovis, 6 die Decembris, 1705.*

Reſolved, That *William Blyth*, Eſq; late Mayor of the City of *Norwich*, by printing and publiſhing a pretended *By-law* made in the Year One thouſand ſix hundred and forty, contrary to *Magna Charta*, in order to terrify the Electors of the ſaid City from free and impartial voting in the late Election of Members to ſerve in Parlament for the ſaid City, is guilty of an illegal and arbitrary Proceeding.

4. *Ordered*, That the ſaid *William Blyth* be, for his ſaid Offence, taken into the Cuſtody of the Serjeant at Arms atttending this Houſe.

Oakhampton.

1. *Sabbati, 24 die Februarii, 1710.*

Reſolved, That the Right of electing Members to ſerve in Parliament for the Borough of *Oakhampton*, in the County of *Devon*, is in the Freeholders and Freemen, being made Free according to the Charter and By-Laws of the ſaid Borough.

Oaths.

See BRIBERY, LONDON, QUAKERS, SCOTLAND.

1. The Oaths which may be required to be taken at Elections are either to the Competency of the Fortune of the Voter, or of the Candidate; or to their Loyalty; or againſt Bribery in the Voter, or Returning Officer; which ſee in Appendix.

Jovis, 16 *die Decembris*, 1708.

2. *Reſolved*, That Mr. *John Huggins*, High Bailiff of *Weſtminſter*, at the late Election of Citizens to ſerve in this preſent Parliament for the City of *Weſtminſter*, has, in Defiance of the Law, arbitrarily and illegally refuſed to tender the Oath of Abjuration when required ſo to do, and thereby is guilty of a high Crime and Miſdemeanour.

3. *Ordered*, That the ſaid Mr. *Huggins* for his ſaid Offence be committed to her Majeſty's Priſon of *Newgate*, and that Mr. *Speaker* do iſſue his Warrants for that Purpoſe.

Offices and Employments.

1. *Veneris*, 10 *die Februarii*, 1698.

Reſolved, That *James Iſaackſon*, having ſince his being elected to ſerve in this Parliament, been concerned and acted as a Commiſſioner of the Stamp Duties, contrary to *Stat.* 5 and 6 *W. & M. c.* be expelled the Houſe.

And

2. *Lunæ*, 13 *die Februarii*, 1698.

The like Vote upon *Henry Corniſh*, Eſq; a Commiſſioner for the ſame Duties.

And

3. *Martis*, 14 *die Februarii*, 1698.

The like Vote upon Sir *Henry Furneſe*, a Collector and Manager upon the Act 9 and 10 *W.* 3. for raiſing a Sum not exceeding two Millions, &c, contrary to the Act 5 and 6 *W.* 3.

4. The

4. The ſame Day,

The like Vote upon *Samuel Atkinſon*, Eſq; a Commiſſioner, upon 9 and 10 *W.* 3. for licenſing Hawkers and Pedlars, *&c.* contrary to the Act 5 and 6 *W.* 3.

5. *Lunæ*, 20 *die Februarii*, 1698.

The like Vote upon *William Woolaſton*, Eſq; Receiver of the Duty upon Houſes, as alſo upon Births, *&c.* contrary to the Act 5 and 6 *W.* 3.

The like Votes have been on many others; but the Style has ſince been ſoftened, as appears by many of the Votes which follow under this Head.

6. *Mercurii*, 9 *die Februarii*, 1708.

The Houſe being acquainted, that Sir *Richard Allen*, lately adjudged to be duly elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Dunwich*, deſires the Opinion of the Houſe, before he takes his Place, upon the Clauſe in the Act of 12 *W.* 3. *c.* 10. which relates to the Officers of the Cuſtoms, in regard he was by Letters Patents granted by King *Charles* the Second, dated the thirty-firſt Day of *May*, in the thirtieth Year of his Reign made (by the Name of *Richard Anguiſh*) Collector of the great and petty Cuſtoms in the Port of *Yarmouth*, for his Life; but ſurrendered ſuch Office the ſeventh Day of *February* inſtant, which was acknowledged and enrolled the next Day.

And a Debate ariſing in the Houſe thereupon, and a Motion being made, and the Queſtion being put, that the Debate be adjourned,

It paſſed in the Negative.

Then the ſaid Letters Patents and Surrender were produced, and the Surrender read.

Reſolved,

Reſolved, That the ſaid Sir *Richard Allen*, be admitted to take his Seat in this Houſe.

7. *Lunæ*, 5 *die Februarii*, 1710.

Ordered, *&c.* a new Election in the Room of Sir *James Wiſkeart*, who, ſince his Election, has been appointed by her Majeſty, to be one of the Commiſſioners for executing the Office of Lord High Admiral of *Great-Britain*.

8. *Lunæ*, 12 *die Februarii*, 1710.

In the Caſe of Sir William Gifford, *Governor of* Greenwich-Hoſpital, *it did not incapacitate him to ſit in Parliament purſuant to* Stat. 4. Ann. *becauſe it appeared on inſpecting the Conſtitution of the ſaid Hoſpital that it was before the ſaid Statute.*

9. *Sabbati*, 17 *die Februarii*, 1710.

A new Election ordered in the Room of the Earl of *Hertford*, who ſince his Election had been appointed Governor of *Tinmouth-Fort*.

10. *Sabbati*, 23 *die Decembris*, 1710.

Ordered, *&c.* a new Writ for a Burgeſs in the Room of *James Worſley*, Eſq; who, ſince his being elected, hath been by her Majeſty appointed Woodward of the New-Foreſt.

11. *Martis*, 10 *die Aprilis*, 1711.

The Houſe proceeded to take into Conſideration the Charters of Sir *John Auſtruther*, relating to his heritable Offices in *Scotland*, deſcended to him from his Father, and the Charter of the twenty-ninth of

April, One thouſand ſeven hundred and four, was read, conſtituting the ſaid Sir *John Anſtruther*'s Father and his Heirs Males to be hereditary and perpetual Inſpectors and Searchers of all prohibited and uncuſtomed Goods, and Keepers of the Cocquets in the Ports of *Ely* and *Anſtruther*, in the Kingdom of *Scotland*: And alſo ſeveral Clauſes in 12 *W.* 3. *c.* 10.

And alſo a Clauſe in 6 *Anne c.*7. was read.

Reſolved, That the Hereditary Offices of an Inſpector and Searcher of all prohibited and uncuſtomed Goods, and Keeper of the Cocquets, in the Ports of *Ely* and *Anſtruther* in *North-Britain*, are within the meaning of the Act of Parliament of the twelfth and thirteenth Years of his late Majeſty King *William*, whereby any Member of the Houſe of Commons, having an Office, Place, or Employment, concerning the farming, managing, or collecting the Cuſtoms, is abſolutely incapable of being a Member of this Houſe.

12. *Reſolved*, That Sir *John Anſtruther* having, by the Death of his Father, the hereditary Offices of an Inſpector and Searcher of all prohibited and uncuſtomed Goods, and Keeper of the Cocquets, in the Ports of *Ely* and *Anſtruther*, in *North-Britain* deſcended to him, but not having taken, enjoyed, or executed the ſame, is capable of being a Member of this Houſe.

13. *Sabbati*, 24 *die Martii*, 1715.

Ordered, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgeſs to ſerve in this preſent Parliament for the Borough of *Andover* in the County of *Southampton*, in the Room of the honourable *James Brudenell*, who (ſince his Election for

the

the ſaid Borough) hath accepted the Office of Maſter of the Jewel-Office to his Majeſty.

14. *Lunæ*, 28 *die Martii*, 1715.

The Houſe being informed that *John Richmond Webb*, Eſq; deſires the Opinion of this Houſe, in relation to his taking his Place in the Houſe, in reſpect of his being conſtituted Governor of the *Iſle of Wight* by Letters Patents which paſſed the Great Seal ſince his Election, but iſſued purſuant to a Warrant granted before the Election.

Ordered, That the ſaid Warrant and Letters Patents be laid before this Houſe.

15. *Lunæ*, 4 *die Julii*, 1715.

The like for the Port of *Haſtings*, in the County of *Suſſex*, in the Room of *Andrew Stone*, Eſq; who, ſince his Election for the ſaid Port, hath accepted the Office of Secretary of the Iſland of *Barbadoes*.

16. *Jovis*, 7 *die Julii*, 1715.

The Houſe being acquainted that *George Carpenter*, Eſq; ſince his Election for the Borough of *Whitchurch*, is appointed his Majeſty's Envoy to the Court of *Vienna*, and that he deſires to know the Senſe of the Houſe, whether he is included in the Diſability of the Act of the ſixth Year of her late Majeſty; and the Clauſe in the ſaid Act relating thereto was read;

And the Queſtion being put, that *George Carpenter*, Eſq; being appointed his Majeſty's Envoy at the Court of *Vienna* ſince his Election for the Borough of *Whitchurch*, in the County of *Southampton*, his Election for the ſaid Borough is thereby become void.

It paſſed in the Negative.

17. *Martis*, 28 *die Martii*, 1716.

The Houſe being informed that the Letters Patents by which the Office of *Garter* principal King of Arms, after the Death of Sir *Henry St. George* was granted by her late Majeſty to *John Anſtis*, Eſq; have been delivered to the Clerk of this Houſe, and are now on the Table.

Ordered, That the ſaid Letters-Patents be now read.

The ſaid Letters-Patents were read.

And a Motion being made, that Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown to make out a new Writ for the electing a Burgeſs to ſerve in this preſent Parliament for the Borough of *Dunheved*, alias *Launceſton*, in the County of *Cornwall*, in the Room of *John Anſtis*, Eſq; who ſince his Election for the ſaid Borough hath accepted the Office of *Garter* principal King of Arms, granted to him by her late Majeſty after the Death of Sir *Henry St. George*, who is now dead;

And a Debate ariſing in the Houſe thereupon,

Ordered, That the Debate be adjourned until *Friday* ſeven-night.

Reſolved, That the Houſe do adjourn till *Monday* ſeven-night.

The Houſe being adjourned to a longer Day, than the Debate, there was nothing done in it this Seſſion.

18. *Veneris*, 15 *die Junii*, 1716.

Ordered, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgeſs to ſerve in this preſent Parliament for the Borough of *Eye* in the County of *Suffolk*, in the Room of *Edward Hopkins*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted

cepted the Office of one of the Commiſſioners of his Majeſty's Revenue in *Ireland*.

19. *Martis*, 26 *die Junii*, 1716.

The like for the Borough of *Old Sarum*, in the County of *Wilts*, in the Room of *Thomas Pitt*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted of being Governer of the Plantation of *Jamaica*.

20. *Jovis*, 20 *die Martii*, 1717.

The like for the Port of *Dover*, in the Room of *Matthew Aylmer*, Eſq; who, ſince his Election for the ſaid Port, hath accepted the Office of Maſter of *Greenwich* Hoſpital for his Life.

21. *Sabbati*, 30 *die Martii*, 1717.

The like for the Borough of *Woodſtock*, in the County of *Oxon*, in the Room of Sir *Thomas Wheate*, Bart. who, ſince his Election for the ſaid Borough, hath accepted the Office of chief Keeper of the Ordnance, Munition, and Stores belonging to the Office of Ordnance.

22. *Martis* 18 *die Junii*, 1717.

The like for the Borough of *Cockermouth*, in the County of *Cumberland*, in the Room of *Nicholas Lechmere*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted of the Office of Chancellor of the Dutchy of *Lancaſter* for Life.

23. *Lunæ, 25 die Novembris, 1717.*

The like for the Borough of *Berealſton*, in the County of *Devon*, in the Room of *Horatio Walpole*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Surveyor and Auditor General of all his Majeſty's Revenues ariſing in *America*.

24. *Lunæ, 2 die Decembris, 1717.*

The like for the Borough of *Ipſwich*, in the County of *Suffolk*, in the Room of *William Churchill*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Bookſeller, Bookbinder, and Stationer to his Majeſty.

25. *Sabbati, 7 die Decembris, 1717.*

The like for the Borough of *Dunheved*, alias *Launceſton*, in the County of *Cornwall*, in the Room of *John Anſtis*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Garter Principal King at Arms.

26. *Lunæ, 3 die Aprilis, 1721.*

The like for the City of *Carliſle*, in the County of *Cumberland*, in the Room of *Thomas Stanwix*, Eſq; who, ſince his Election for the ſaid City, hath accepted the Office of Governor of the Town of *Kingſton* upon *Hull*.

27. *Martis, 9 die Martii, 1727.*

A Motion being made, and the Queſtion being propoſed, That *Edmund Miller*, Serjeant at Law,

is

is duly elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Petersfield*, in the County of *Southampton*.

Stat. 5 *Ann c.* 8. *Sect.* 1. *Art.* 19 of the Union Act was read and 6 *Ann c.* 26. was alſo read,

And a Debate, *&c.*

Reſolved, That *Edmund Miller*, Serjeant at Law, is duly elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Petersfield*, in the County of *Southampton*.

28. *Sabbati*, 9 *die Junii*, 1733.

The Houſe being informed, that Lieutenant-General *Wade* (a Member of this Houſe) hath, ſince his Election to ſerve in this preſent Parliament for the City of *Bath*, in the County of *Somerſet*, accepted of the Office of Governor of *Fort-William*, *Fort-Auguſtus*, and *Fort-George*, in that Part of *Great Britain* called *Scotland*; and the Opinion of the Houſe being deſired, whether by the Acceptance of the ſaid Office his Seat in Parliament became void;

And the 4 *Ann c.* 8. *ſect.* 29. being read;

The Journal of the Houſe of the twenty-eighth Day of *February*, in the ſeventh Year of the Reign of Queen *Anne*, in relation to the making out a new Writ for the electing a Burgeſs to ſerve in Parliament for the Borough of *Arundel*, in the County of *Suſſex*.

And the Journal of the Houſe of the ſeventeenth Day of *February*, in the ninth Year of the Reign of Queen *Anne*, in relation to the making out a new Writ for the electing a Knight to ſerve in Parliament for the County of *Northumberland*.

And the Journal of the Houſe of the firſt Day of *February*, in the tenth Year of the Reign of

Queen *Anne*, in relation to the making out a new Writ for the electing a Burgeſs to ſerve in Parliament for the Borough of *Camelford*, in the County of *Cornwall*:

And a Motion being made, and the Queſtion being put, that the accepting a Commiſſion of Governor, or Lieutenant-Governor of any Fort, Citadel or Garriſon, upon the military Eſtabliſhment of his Majeſty's Guards and Garriſons in *Great Britain*, by any Member of this Houſe being an Officer in the Army, does vacate the Seat of ſuch Member in this Houſe;

It paſſed in the Negative.

29. *Mercurii*, 13 *die Junii*, 1733.

Ordered, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing a Burgeſs to ſerve in this preſent Parliament for the Borough of *Andover*, in the County of *Southampton*, in the Room of the honourable *James Brudenell*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of one of the Grooms of his Majeſty's Bedchamber.

30. *Martis*, 11 *die Februarii*, 1734.

A new Writ ordered for the Borough of *Eaſtlow*, in the Room of Mr. *Trelawney*, who, ſince his Election for the ſaid Borough, hath continued to enjoy the Office of one of the Commiſſioners of his Majeſty's Cuſtoms.

31. *Lunæ*, 16 *die Februarii*, 1735.

The like for the Port of *Haſtings*, in the Room of Sir *William Aſhburnham*, Bart. who, ſince his Election,

Election, accepted the Office of Receiver of Compoſitions in his Majeſty's Office of Alienations.

32. *Jovis, 3 die Aprilis, 1735.*

The like for *Dorcheſter*, in the Room of *John Brown*, Eſq; who, ſince his Election, accepted the Office of one of his Majeſty's Counſel learned in the Law.

33. *Veneris, 9 die Maii, 1735.*

The like for the Borough of *Honiton*, in the Room of Sir *William Yonge*, Bart. &c. who, ſince his Election, accepted the Office of his Majeſty's Secretary of War.

34. *Jovis, 15 die Maii, 1735.*

The like for the Borough of *Reading*, in the Room of *Richard Pottenger*, Eſq; who, ſince his Election, accepted the Office of one of his Majeſty's Juſtices of the Counties of *Cheſter* and *Flint*, and of *Denbigh* and *Montgomery*.

35. The like for the Boroughs of *Horſham* and *Wendover*, in the Room of the honourable *Henry Ingram*, Eſq; and of *John Hampden*, Eſq; who, ſince their Elections, accepted ſeverally the Offices of Commiſſaries of his Majeſty's Stores and Proviſions at *Minorca* and *Gibraltar*.

36. *Martis, 1 die Februarii, 1736.*

The like for the Borough of *Tiverton*, in the Room of *Dudley Ryder*, Eſq; who, ſince his Election for the ſaid Borough, accepted the Office of Attorney-General to his Majeſty.

37. *Lunæ,*

37. *Lunæ*, 28 *die Februarii*, 1736.

The like for the Borough of *Weymouth* and *Melcombe Regis*, in the Room of *Edward Tucker*, Eſq; who, ſince his Election for the ſaid Borough, accepted the Office of Surviſor of his Majeſty's Quarries in the Iſland of *Portland*, in the County of *Dorſet*.

38. *Martis*, 22 *die Martii*, 1736.

The like for the City of *Coventry*, in the Room of *John Bird*, Eſq; who, ſince his Election for the ſaid City, accepted the Office of one of the Commiſſioners for managing the Duties ariſing by Stamps.

39. *Lunæ*, 29 *die Martii*, 1736.

The like for *Hyeth*, in the Room of *Hercules Baker*, Eſq; who, ſince his Election for the ſaid Town and Port, accepted the Office of Treaſurer of the Royal Hoſpital at *Greenwich*.

40. *Mercurii*, 19 *die Maii*, 1736.

The like for the Borough of *Droitwich*, in the Room of *Thomas Winnington*, Eſq; who, ſince his Election for the ſaid Borough, accepted the Office of one of the Commiſſioners for executing the Office of Treaſurer of his Majeſty's Exchequer.

41. *Martis*, 14 *die*, *Februarii*, 1737.

The like for the Borough of *Dunwich*, in the Room of Sir *Orlando Bridgman*, Bart. who, ſince his Election for the ſaid Borough, accepted the Office

Office of Governer of his Majeſty's Iſland of *Barbadoes*.

42. *Veneris*, 17 *die Junii*, 1737.

The like for the Borough of *Hindon*, in the Room of *Henry Fox*, Eſq; who, ſince his Election for the ſaid Borough, accepted the Office of Surveyor-General of his Majeſty's Works.

43. *Lunæ*, 20 *die Junii*, 1737.

The like ſeverally for the Boroughs of *Knareſborough*, *Malmeſbury*, and *Wilton*, in the Rooms of the honourable *Richard Arundall*, Eſq; *Giles Earle*, Eſq; and the honourable *Robert Jenkins*, Eſq; who, ſince their ſeveral Elections for the ſaid Boroughs, reſpectively accepted the Offices of Maſter and Worker of his Majeſty's Mint, of one of the Commiſſioners for executing the Office of Treaſurer of his Majeſty's Exchequer, and of one of the Commiſſioners for Trade and Plantations.

44. And the like for the Borough of *Whitchurch*, in the Room of Lieutenant-Colonel *John Mordaunt*, who, ſince his Election for the ſaid Borough, accepted the Office of one of the Equerries to his Majeſty. And,

45. The like for the County of *Northumberland*, in the Room of *Ralph Jamiſon*, Eſq; who, ſince his Election for the ſaid County, accepted the Office of Maſter of his Majeſty's Buckhounds.

46. *Martis*, 21 *die Junii*, 1737.

The like for the Direct of Burghs of *Forres*, *Inverneſs*, *Nairn*, and *Fortroſs*, in the Room of *Duncan Forbes*, Eſq; who, ſince his Election for the ſaid Diſtrict of Burghs, accepted the Office of

Lord

Lord Preſident of the College of Juſtice in *Scotland*. And,

47. The like for the Shire of *Dumfries*, in the Room of *Charles Areſkine*, Eſq; who, ſince his Election for the ſaid Shire, accepted the Office of his Majeſty's Advocate for *Scotland*. And,

48. The like for the Shire of *Edinburgh*, in the Room of *Robert Dundas*, Eſq; who, ſince his Election for the ſaid Shire, accepted the ſaid Office of one of the Senators of the College of Juſtice in *Scotland*.

49. *Jovis, 1 die Februarii, 1738.*

The like for the City of *Oxford*, in the Room of *Mathew Skinner*, Eſq; who, ſince his Election for the ſaid City, accepted the Office of Chief Juſtice of *Cheſter*.

50. *Martis, 9 die Maii, 1738.*

The like for the Town, of *Kingſton* upon *Hull*, in the Room of *George Crowle*, Eſq; who, ſince his Election for the ſaid Town, accepted the Office of one of the Commiſſioners of his Majeſty's Navy.

51. *Martis, 16 die Maii, 1738.*

The like ſeverally for the Town and Port of *Seaford*, and the Boroughs of *Bury St. Edmunds*, and *Clifton-Dartmouth-Hardneſs*, in the Room of *William Hay*, Eſq; the honourable *Thomas Harvey*, Eſq; and *Walter Cary*, Eſq; who, ſince their Elections, reſpectively accepted the Offices of one of the Commiſſioners for Victualling his Majeſty's Navy, of Surveyor of his Majeſty's Gardens, and of one of the Clerks Comptrollers of his Majeſty's Houſehold.

52. *Mercurii,*

52. *Mercurii*, 17 *die Maii*, 1738.

The like for the Borough of *Helſton*, in the Room of *John Harris*, Eſq; who, ſince his Election for the ſaid Borough, accepted the Office of Pay-maſter, of his Majeſty's Board of Works.

53. *Martis*, 24 *die Januarii*, 1739.

The like for the Borough of *Rippon*, in the Room of *William Aiſlabie*, Eſq; who, ſince his Election for the ſaid Borough, accepted the Office of one of the Auditors of the Impreſts.

54. *Mercurii*, 20 *die Februarii*, 1739.

— The Queſtion being put, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgeſs to ſerve in this preſent Parliament for the Borough of *Saltaſh*, in the County of *Cornwall*, in the Room of *Thomas Corbett*, Eſq; who hath accepted a Salary of two hundred Pounds *per Annum*, by his Majeſty's Royal Sign Manual, dated the fourteenth of *Auguſt*, One thouſand ſeven hundred and thirty-nine, as Secretary to the Court of Aſſiſtants for Relief of poor Widows of Commiſſion and Warrant-Officers of the Royal Navy, eſtabliſhed by virtue of a Commiſſion under the Great Seal, bearing Date the thirtieth of *Auguſt*, One thouſand ſeven hundred and thirty-two.

It paſſed in the Negative.

N. B. *Before the putting of the foregoing Queſtion, the twenty-fifth and twenty-ninth Sections of* Stat. 6 Ann. *and* Stat. 1 Geo. 1. *were read.*

55. *Martis*,

55. *Martis, 4 die Decembris,* 1739.

The like for the County *Monmouth*, in the Room of *Charles Hanbury Williams*, Eſq; who, ſince his Election for the ſaid County, accepted the Office of Paymaſter of his Majeſty's Marine Regiments.

56. *Mercurii, 23 die Aprilis,* 1740.

The like for the Borough of *New-Windſor*, in the Room of the Right Honourable *Sidney Beauclerk*, Eſq; (commonly called Lord *Sidney Beauclerk*) who, ſince his Election for the ſaid Borough, accepted the Office of Vice Chamberlain of his Majeſty's Houſehold.

57. *Martis, 25 die Novembris,* 1740.

The like for the County of *Denbigh*, in the the Room of Sir *Watkyn Williams Wynn*, Bart. who, ſince his Election for the ſaid County, hath accepted the Office of Steward of his Majeſty's Lordſhips and Manors of *Bromfield* and *Yale*, in the ſaid County of *Denbigh*.

58. *Lunæ,* 18 *die Januarii,* 1741.

The like for the Borough of *Eaſt Grinſtead*, in the County of *Suſſex*, in the Room of the Right Honourable *Charles Sackville*, Eſq; commonly called Earl of *Middleſex*, who, ſince his Election for the ſaid Borough, hath accepted the Office of Head Steward of his Majeſty's Honour at *Otford*, in the County of *Kent*.

59. *Martis,* 26 *die Januarii,* 1741.

The like for the Borough of *Milbourn Port*, in the County of *Somerſet*, in the Room of *Thomas Medlycott*,

Medlycott, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of one of the Commiſſioners for Licenſing Hawkers and Pedlars.

60. *Lunæ*, 1 *die Martii*, 1741.

The like for the County of *Darby*, in the Room of the Right Honourable *James Cavendiſh*, Eſq; commonly called Lord *James Cavendiſh*, who, ſince his Election for the ſaid Borough, hath accepted the Office of Auditor of all foreign Accounts or Impoſts, within the Kingdom of *Ireland*.

61. *Martis*, 13 *die Julii*, 1742.

The like for the Borough of *Devizes*, in the County of *Wilts*, in the Room of *Francis Eyles* Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Superintendant of his Majeſty's Boundaries.

62. *Martis*, 13 *die Julii*, 1742.

The like for the Borough of *Grampound* in the County of *Cornwall*, in the Room of *Daniel Bovue*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Commiſſary General of the Muſters.

63. *Jovis*, 15 *die Julii*, 1742.

The like for the Borough of *Orford*, in the County of *Suffolk*, in the Room of the Honourable *Henry Legge*, Eſq; who, ſince his Election for the the ſaid Borough, hath accepted the Office of Surveyor General of his Majeſty's Woods, on the North and South Side of the River *Trent*.

64. *Mercurii*,

64. *Mercurii, 20 die Aprilis, 1743.*

The like for the Shire of *Linlithgow*, in the Room of *George Dundas*, Eſq; who, ſince his Election for the ſaid Shire, hath accepted the Office of Maſter of his Majeſty's Works in that Part of *Great Britain* called *Scotland*.

65. *Jovis, 1 die Decembris, 1743.*

The like for the Borough of *Thetford*, in the County of *Norfolk*, in the Room of *Charles Fitzroy*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted of the Office of Groom Porter, within all his Majeſty's Houſes in *England*, and elſewhere.

66. *Jovis, 22 die Decembris, 1743.*

The like for the Borough of *Truro*, in the County of *Cornwall*, in the Room of the Honourable *Charles Hamilton*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Receiver General and Collector of the Revenues in the Iſland of *Minorca*.

67. *Martis, 30 die Aprilis, 1745.*

The like for the Borough of *North Alderton*, in the County of *York*, in the Room of *William Swels*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Receiver of his Majeſty's caſual Revenue, in the Iſland of *Barbadoes*.

68. *Veneris, 2 die Decembris, 1757.*

The like for the Borough of *Eye*, in the County of *Suffolk*, in the Room of *Courthope Clayton*, Eſq;

who, ſince his Election for the ſaid Borough, hath accepted the Office of *Avener* and Clerk Marſhal to his Majeſty.

69. *Lunæ*, 23 *die Januarii*, 1758.

The like for the Borough of *Orford*, in the County of *Suffolk*, in the Room of the Right Honourable *Henry Bilſon Legge*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Steward or Bailiff of his Majeſty's three Chiltern Hundreds of *Stoke*, *Desborough*, and *Bonenham*, in the County of *Buckingham*.

70. *Sabbati*, 28 *die Januarii*, 1758.

The like for the Borough of *Eaſt Retford*, in the County of *Nottingham*, in the Room of *John Shelley*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Clerk of the Pipe.

71. *Lunæ*, 19 *die Junii*, 1758.

The like for the Borough of *Reigate*, in the County of *Surrey*, in the Room of *Charles Cocks*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Clerk of the Deliveries, and Deliverance of all manner of Ordnance of Artillery, Munition, and other Neceſſaries whatſoever, appertaining to his Majeſty's Office of Ordnance.

72. *Veneris*, 19 *die Januarii*, 1759.

The like for the Town and Port of *Winchelſea*, in the County of *Suſſex*, in the Room of *Thomas Orby Hunter*, Eſq; who, ſince his Election for the ſaid

Town and Port, hath accepted the Office of Superintendant or Director of Forage, Proviſions, Neceſſaries and Extraordinaries, for his Majeſty's Combined Army, under the Command of Prince *Ferdinand* of *Brunſwick*.

73. *Jovis*, 15 *die Novembris*, 1759.

The like for the Borough of *Totneſs*, in the County of *Devon*, in the Room of Sir *Richard Lloyd*, Knight, now one of the Barons of his Majeſty's Court of Exchequer at *Weſtminſter*.

74. *Jovis*, 22 *die Novembris*, 1759.

The like for the Borough of *Leſkeard*, in the County of *Cornwall*, in the Room of *Edmund Nugent*, Eſq; who, ſince his Election for the ſaid Borough, hath been made a Captain of Foot in his Majeſty's Army.

75. *Lunæ*, 3 *die Decembris*, 1759.

The like for the Borough of *Old Sarum*, in the County of *Wilts*, in the Room of the Right Honourable *William Pultney*, Eſq; commonly called Lord Viſcount *Pulteny*, who, ſince his Election for the ſaid Borough, hath accepted the Office of a Lieutenant Colonel in his Majeſty's Army.

76. *Veneris*, 7 *die Decembris*, 1759.

The like for the Borough of *Orford*, in the County of *Suffolk*, in the Room of the Right Honourable *Henry Bilſon Legge*, Eſq; who, ſince his Election for the ſaid Borough, did become intitled to, and accepted of the beneficial Intereſt of the

the Office of Surveyor of the Petty Cuſtoms and Subſidies in his Majeſty's Port of *London*.

77. *Mercurii*, 19 *die Decembris*, 1759.

The like for the City of *Briſtol*, in the Room of the Right Honourable *Robert Nugent*, Eſq; who, ſince his Election for the ſaid City, hath accepted the Office of Vice Treaſurer and Receiver General, and Paymaſter General, of all his Majeſty's Revenues in the Kingdom of *Ireland*.

78. *Jovis*, 20 *die Decembris*, 1759.

The like for the City of *Norwich*, in the Room of *Edward Bacon*, Eſq; who, ſince his Election for the ſaid City, hath accepted the Office of one of the Commiſſioners for Trade and Plantations.

79. The like for the Borough of *Taviſtock*, in the County of *Devon*, in the Room of *Richard Rigby*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office or Place of Keeper or Maſter of the Rolls of the High Court of Chancery, in the Kingdom of *Ireland*.

80. *Veneris*, 9 *die Januarii*, 1760.

The like for the Univerſity of *Cambridge*, in the Room of the Honourable *Edward Finch*, Eſq; who, ſince his Election for the ſaid Univerſity, hath accepted the Office of Keeper of his Majeſty's private Roads, Gates and Bridges, and Conductor or Guid of his Royal Perſon in all the Royal Progreſſes.

81. *Lunæ*, 31 *die Martii*, 1760.

The like for the Town and Port of *Winchelſea*, in the County of *Suſſex*, in the Room of *George Gray*,

Eſq; who, ſince his Election for the ſaid Town and Port, hath accepted the Office of Steward of his Majeſty's Manor of *Old Shoreham*, in the County of *Suſſex*.

82. *Sabbati*, 28 *die Novembris*, 1761.

The like for the Borough of *Minehead*, in the County of *Somerſet*, in the Room of the Right Honourable *Percy* Earl of *Thomond*, in the Kingdom of *Ireland*, who, ſince his Election for the ſaid Borough, hath accepted the Office of Cofferer of his Majeſty's Houſehold.

83. The like for the County of *Derby*, in the Room of the Right Honourable *George Cavendiſh*, Eſq; commonly called Lord *Gorge Cavendiſh*, who, ſince his Election for the ſaid County, hath accepted the Office of Comptroller of his Majeſty's Houſehold.

84. *Lunæ*, 25 *die Januarii*, 1762.

The like for the Borough of *Downton*, in the County of *Wilts*, in the Room of Sir *Charles Pratt*, Knight, now Lord Chief Juſtice of his Majeſty's Court of Common Pleas at *Weſtminſter*.

85. The like for the Borough of *Wigan*, in the County Palatine of *Lancaſter*, in the Room of *Fletcher Norton*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Solicitor General to his Majeſty.

86. *Mercurii*, 3 *die Februarii*, 1762.

The like for the County of *Southampton*, in the Room of Sir *Simon Stuart*, Baronet, who, ſince his Election

Election for the ſaid County, hath accepted the Office of one of the Chamberlains of his Majeſty's Exchequer.

87. *Veneris*, 19 *die Februarii*, 1762.

The like for the City of *Edinburgh*, in the Room of *George Lind*, Eſq; who, ſince his Election for the ſaid City, hath accepted the Office of Conſervator of the Privileges of the *Scots* Nation in the *Netherlands*, and Reſident there for the Affairs of *Scotland*.

88. *Mercurii*, 21 *die Aprilis*, 1762.

The lie for the City of *Weſtminſter*, in the Room of the Honourable *Edward Cornwallis* Eſq; who, ſince his Election for the ſaid City, hath accepted the Office of Governor of *Gibraltar*.

89. *Mercurii*, 2 *die Junii*, 1762.

The like for the Borough and Pariſh of *Buckingham*, in the County of *Buckingham*, in the Room of the Right Honourable *George Grenville*, Eſq; who, ſince his Election for the ſaid Borough and Pariſh, hath accepted the Office of one of his Majeſty's Principal Secretaries of State.

90. The like for the Borough of *Plymouth*, in the County of Devon, in the Room of the Right Honourable *William* Lord Viſcount *Barrington*, in the Kingdom of *Ireland*, who, ſince his Election for the ſaid Borough, hath accepted the Office of Treaſurer of his Majeſty's Navy.

91. The like for the Shire of *Selkirk*, in the Room of *Gilbert Elliot*, Eſq; who, ſince his Election for the ſaid Shire, hath accepted the Office of Treaſurer of the Chamber.

92. The like for the Borough of *Weymouth* and *Melcombe Regis*, in the County of *Dorſet*, in the Room of the Right Honourable Sir *Francis Daſhwood*, Baronet, who, ſince his Election for the ſaid Borough, hath accepted the Offices of Chancellor and Under-Treaſurer of his Majeſty's exchequer, and one of the Commiſſioners for Executing the Office of Treaſurer of his Majeſty's Exchequer.

93. The like for the Borough of *Cockermouth*, in the Room of *Charles Jenkinſon*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Officer of Treaſurer and Pay-Maſter of his Majeſty's Ordnance.

94 *Jovis*, 25 *die Novembris*, 1762.

The like for the Borough of *Dunwich*, in the County of *Suffolk*, in the Room of the Right Honourable *Henry Fox*, who, ſince his Election for the ſaid Borough, hath accepted the Office of Writer of the Tallies and Counter-Tallies, and of Clerk of the Pells, in the Receipt of the Exchequer, in the Kingdom of *Ireland*.

95. *Lunæ* 20 *die Decembris*, 1762.

The like for the Borough of *Calne*, in the County of *Wilts*, in the Room of *Daniel Bull*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of one of the Commiſſioners for the Affairs of Taxes.

96. The like for the Borough of *Newcaſtle under Line*, in the County of *Stafford*, in the Room of *Henry Vernon*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of one of the Commiſſioners for managing the Revenues of Exciſe.

97. The like for the County of *Oxford*, in the Room of the Right Honourable *Charles Spencer*, commonly called Lord *Charles Spencer*, who, ſince his Election for the ſaid County hath accepted the Office of Out-Ranger of his Majeſty's Foreſt of *Windſor*, and Surveyor of his Majeſty's Gardens and Waters.

98. *Martis*, 12 *die Aprilis*, 1763.

The like for the Borough of *Yarmouth*, in the County of *Southampton*, in the Room of the Right Honourable *Thomas* Lord *Holmes*, in the Kingdom of *Ireland*, who, ſince his Election for the ſaid Borough, hath accepted the Office of Governor of the Iſle of *Wight*.

99. *Lunæ*, 18 *die Aprilis*, 1763.

The like for the Borough of *Pontefract*, in the County of *York*, in the Room of *William Gerard Hamilton*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Chancellor of his Majeſty's Exchequer, in the Kingdom of *Ireland*.

100. The like for the Shire of *Roſs*, in the Room of the Right Honourable *James Stewart, Mackenzie*, who, ſince his Election for the ſaid Shire, hath accepted the Office of Keeper of his Majeſty's Privy Seal of *Scotland*.

101. *Martis*, 15 *die Novembris*, 1763.

The like for the Borough of *Taviſtock*, in the County of *Devon*, in the Room of *Richard Neville Neville*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Pay-maſter of divers annual Bounties and Penſions.

102. The like for the Borough of *Bridgwater*, in the County of *Somerſet*, in the Room of *Edward Southwell*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Steward of his Majeſty's Manor of *Eaſt-Hendred* in the County of *Berks*.

103. *Martis*, 13 *die Decembris*, 1763.

The like for the Shire of *Stirling*, in the Room of *James Campbell*, Eſq; who, ſince his Election for the ſaid Shire, hath accepted the Office of Governor of *Stirling Caſtle*.

104. *Veneris*, 16 *die Decembris*, 1763.

The like for the Shire of *Argyle*, in the Room of *Dugall Campbell*, Eſq; who, ſince his Election for the ſaid Shire, hath accepted the Office of Maſter of the Revels in that Part of *Great Britain* called *Scotland*.

105. *Mercurii*, 18 *die Aprilis*, 1764.

The like for the Town of *Cambridge*, in the County of *Cambridge*, in the Room of *Charles Sloane Cadogan*, Eſq; who, ſince his Election for the ſaid Town, hath accepted the Office of Surveyor of his Majeſty's Gardens and Waters.

106. *Jovis*, 10 *die Januarii*, 1765.

The like for the Town and Port of *Winchelſea*, in the Room, of *Thomas Sewell*, Eſq; now the Right Honourable Sir *Thomas Sewell*, who, ſince his Election for the ſaid Town and Port, hath accepted the Office of Maſter and Keeper of the Rolls in Chancery.

107. The

107. The like for the Borough of *Wilton*, in the County of *Wilts*, in the Room of the Honourable *Nicholas Herbert*, who, ſince his Election for the ſaid Borough, hath accepted the Office of Secretary of the Iſland of *Jamaica*.

108. The like for the Borough of *Boſſiney*, in the County of *Cornwall*, in the Room of *John Richmond Webb*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of one of his Majeſty's Juſtices of the Counties of *Brecon*, *Glamorgan*, and *Radnor*, within the Principality of *Wales*.

109. *Lunæ*, 6 *die Maii*, 1765.

The like for the Diſtrict of Burghs of *Anſtruther Eaſter*, *Anſtruther Weſter*, *Craill*, *Pittenweem*, and *Kilrenny*, in the Room or Sir *Harry Erſkine*, Baronet, who, ſince his Election for the ſaid Diſtrict of Burghs, hath accepted the Office of Secretary to the moſt Antient and moſt Noble Order of the *Thiſtle*.

110. *Mercurii*, 22 *die Maii*, 1765.

The like for the Shire of *Roxburgh*, in the Room of *Walter Scott*, Eſq; who, ſince his Election for the ſaid Shire, hath accepted the Office of Receiver and Caſhier of the Exciſe in *Scotland*.

111. *Veneris*, 24 *die Maii*, 1765.

The like for the Borough of *Harwich*, in the Room of the Right Honourable *Charles Townſhend* who, ſince his Election for the ſaid Borough, hath accepted the Office of Paymaſter General of his Majeſty's Land Forces.

112. *Martis*,

112. *Martis, 17 die Decembris, 1765.*

The like for the Town of *Berwick* upon *Tweed*, in the Room of *Thomas Watson*, Esq; who, since his Election for the said Borough, hath accepted the Office of Steward of his Majesty's Manor of *Shippois*, in the County of *Berks*.

113. *Veneris, 20 die Decembris, 1765.*

The like for the County of *Huntingdon*, in the Room of the Right Honourable *Charles Greville Montague*, commonly called, Lord *Charles Greville Montague*, who, since his Election for the said County, hath accepted the Office of Captain General and Governor in Chief of his Majesty's Province of *South Carolina*.

114. *Veneris, 7 die Martii, 1766.*

The like for the Town of *Kingston* upon *Hull*, in the Room of Sir *George Montgomery Metham*, Knight, who, since his Election for the said Town, hath accepted the Office of Patent Clerk of his Majesty's Wardrobe.

115. *Mercurii, 26 die Martii, 1766.*

The like for the Borough of *Bridgnorth*, in the County of *Salop*, in the Room of *William Whitmore*, Esq; who, since his Election for the said Borough, hath accepted the Office of Warden of his Majesty's Mint.

116. *Jovis, 27 die Martii, 1766.*

The like for the Borough of *Lostwithiel*, in the County of *Cornwall*, in the Room of *George Howard*, Esq; who, since his Election for the said Borough,

rough, hath accepted the Office of Governor of his Majeſty's Iſland of *Minorca*.

117. *Lunæ*, 28 *die Aprilis*, 1766.

The like for the Diſtrict of Burghs of *Dumfries*, *Kirkcudbright*, *Annan*, *Lochmaben*, and *Sanquhar*, in the Room of the Right Honourable *Thomas Millar*, Lord Advocate of *Scotland*, who, ſince his Election for the ſaid Diſtrict of Burghs, hath accepted the Office of Lord Chief Juſtice Clerk of *Scotland*.

118. *Martis*, 11 *die Novembris*, 1766.

The like for the City of *Coventry*, in the Room of *James Hewitt*, Eſq; now one of the Juſtices of his Majeſty's Court of King's Bench.

119. *Mercurii*, 12 *die Novembris*, 1766.

The like for the Shire of *Argyle*, in the Room of the Right Honourable *William Campbell*, commonly called Lord *William Campbell*, who, ſince his Election for the ſaid Shire, hath accepted the Office of Governor of *Nova Scotia*.

120. *Jovis*, 20 *die Novembris*, 1766.

The like for the Borough of *Eaſt Retford*, in the County of *Nottingham*, in the Room *John Shelley*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Treaſurer of his Majeſty's Houſehold.

121. *Jovis*,

121. *Jovis, 2 die Julii, 1767:*

The like for the Borough of *Portpigham*, otherwiſe *Weſt Loe*, in the County of *Cornwall*, in the Room of Sir *William Trelawney*, Baronet, who, ſince his Election for the ſaid Borough, hath accepted the Office of Governor of *Jamaica*.

122. *Sabbati, 4 die Februarii, 1769.*

The like for the Borough of *Guildford*, in the County of *Surrey*, in the Room of Sir *Fletcher Norton*, Knight, who ſince his Election for the ſaid Borough, hath accepted the Places and Offices of Warden and Chief Juſtice and Juſtice in Eyre of all his Majeſty's Foreſts, Chaces, Parks, and Warrens, on this Side *Trent*.

123. *Lunæ, 1 die Maii, 1769.*

The like for the Borough of *Totneſs*, in the County of *Devon*, in the Room of *Peter Burrell*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Surveyor General of his Majeſty's Land Forces.

124. *Martis, 9 die Maii, 1769.*

The like for the Diſtrict of Burghs of *Stirling*, *Dumfermline*, *Culroſs*, *Queensferry*, and *Inverkeithing*, in the Room of *James Maſterman*, Eſq; who, ſince his Election for the ſaid Diſtrict of Burghs, hath accepted the Office of Barrack Maſter General, in that Part of *Great Britain* called *Scotland*.

125. *Jovis,*

125. *Jovis*, 25 *die Januarii*, 1770.

The like for the Univerſity of *Cambridge*, in the Room of the late Honourable *Charles Yorke*, who, after his Election for the ſaid Univerſity, accepted the Office of Lord High Chancellor of *Great Britain*.

126. *Mercurii*, 19 *die Decembris*, 1770.

The like for the Borough of *Weobley*, in the County of *Hereford*, in the Room of the Honourable *Henry Fredrick Thynne*, who, ſince his Election for the ſaid Borough, hath accepted the Office of Poſtmaſter General.

127. *Veneris*, 21 *die Decembris*, 1770.

The like for the Shire of *Orkney* and *Zetland*, in the Room of Sir *Thomas Dundas*, Eſq; who ſince his Election for the ſaid Shire, hath accepted the Office of one of the Commiſſioners of Police, in that Part of *Great Britain* called *Scotland*.

128. *Martis*, 22 *die Januarii*, 1771.

The like for the Borough of *Beeralſton*, in the County *Devon*, in the Room of Sir *Francis Henry Drake*, Baronet, who, ſince his Election for the ſaid Borough, hath accepted the Office of Maſter of the Houſehold to his Majeſty.

129. *Jovis*, 24 *die Januarii*, 1771.

The like for the Diſtrict of Burghs of *Dunbar North Berwick*, *Haddington*, and *Lauder*, in the Room of *Patrick Warrender*, Eſq; who, ſince his Election for

for the ſaid Diſtrict of Burghs, hath accepted the Office of King's Remembrancer of the Exchequer, in that Part of *Great Britain* called *Scotland.*

130. *Veneris, 25 die Januarii,* 1771.

The like for the City of *Oxford,* in the Room of *George Nares,* now one of the Juſtices of his Majeſty's Court of Common Pleas at *Weſtminſter.*

131. *Mercurii, 8 die Maii,* 1771.

The like for the Borough of *Shafteſbury,* in the County of *Dorſet,* in the Room of Sir *Ralph Payne,* Knight of the moſt Honourable Order of the *Bath,* who, ſince his Election for the ſaid Borough, hath accepted the Office of Governor of the *Leward Iſlands.*

132. *Mercurii, 29 die Januarii,* 1772.

The like for the Diſtrict of Burghs of *Kinghorn, Dyſart, Kirkcaldie,* and *Bruntiſland,* in the Room of *James Townſend Oſwald,* Eſq; who, ſince his Election for the ſaid Diſtrict of Burghs, hath accepted the Office of Secretary for the *Leward Iſlands.*

133. *Veneris, 3 die Aprilis,* 1772.

The like for the Borough of *New Woodſtock* in the County of *Oxford,* in the Room of *John Skinner,* Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Second Juſtice of the Counties of *Cheſter, Flint, Denbigh,* and *Montgomery.*

Dxford.

Sabbati, 10 *die Februarii*, 1699.

1. *Reſolved.* That the Right of electing Burgeſſes to ſerve in Parliament for the ſaid Borough, (*Orford in Com. Suffolk*) is in the Mayor, Portmen, capital Burgeſſes and Freemen of the ſaid Borough.

Sabbati, 29 *die Januarii*, 1708.

2. *Reſolved*, *Nemine contradicente*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Orford* (*in Com. Suffolk*) is in the Mayor, Portmen, capital Burgeſſes, and Freemen, not receiving Alms.

3. And a Book being produced on the Part of the ſitting Members, as a Book of the Corporation, beginning in the Year One thouſand ſix hundred and ninety-three, (called the white Book) to prove ſeveral Perſons (who voted for them) to be Freemen, which Book being objected to by the Petitioner's Counſel, the Counſel and Witneſſes withdrew, and were afterwards called in again; and Mr. *Speaker*, (by Direction of the Houſe) acquainted them that the Houſe were of Opinion, that the ſaid Book ſhould be given in Evidence as to Freemen made after *Auguſt*, One thouſand ſeven hundred and four.

4. And a Motion being made, and the Queſtion being put, that the Counſel be admitted (by living Witneſſes) to give Evidence as to Freemen entered in the white Book before *Auguſt*, One thouſand ſeven hundred and forty.

It paſſed in the Negative.

Peebles.

Peebles.

Veneris, 11 *die Maii*, 1733.

1. Mr. *Earle* (according to Order) reported, *&c.* the Election and Return for the County of *Peebles*, *&c.*

Reſolved, That it is the Opinion of this Committee, that the Right of Election of a *Præſes* and Clerk, is in ſuch Perſons, as ſtand upon the Roll laſt made up by the Freeholders at the *Michaelmas* Head Court, or at the laſt Election of a Member to ſerve in Parliament.

Here follow Four other Reſolutions, who were duly elected Præſes *and Clerk, and who was duly returned, and duly elected Commiſſioner for the ſaid Shire.*

The firſt Reſolution of the Committee being read a ſecond Time;

Part of an Act of the Parliament of *Scotland* made *September* ſeventeen, One thouſand ſix hundred and eighty-one, (intitled, *An Act concerning the Election of Commiſſioners for Shires*) was read.

And 12 *An. c.* 6. *ſ.* 3. was alſo read.

Then the ſaid Reſolution was agreed to by the Houſe.

Pembroke.

1. *Sabbati*, 23 *die Februarii*, 1711.

Reſolved, That the Mayor and Burgeſſes of the ancient Borough of *Wiſton*, in the County of *Pembroke*, have a Right to vote in the Election of a Member to ſerve in Parliament for the Borough of *Pembroke*.

Jovis, 22 die Februarii, 1770.

1. *Reſolved*, That the Counſel for the Petitioner be reſtrained from producing Evidence to prove that the Voter had a Freehold, intitling him to vote for a Member to ſerve in Parliament, in Reſpect of the Tenement leaſed to him, for one or more Life or Lives in being, under the ſole Conſideration of the Rent reſerved.

2. *Reſolved*, That it appears to this Houſe, that the Poll taken at the late Election of a Knight of the Shire, to ſerve in this preſent Parliament, for the County of *Pembroke*, was in many Inſtances ſo irregularly taken, as to render it impoſſible for this Houſe to aſcertain which of the Candidates had the Majority of legal Votes.

3. *Reſolved*, That the ſaid Election was a void Election.

Peterborough.

1. *Martis, 9 die Aprilis, 1728.*

Reſolved, That the Execution of the Precept for electing Citizens to ſerve in Parliament for the City of *Peterborough*, in the County of *Northampton*, and the making the Return thereof, are in the Bailiff of the ſaid City appointed by the Dean and Chapter of the Cathedral Church of *Peterborough*.

Lunæ, 13 die Maii, 1728.

2. *Reſolved*, That the Right of electing Citizens to ſerve in Parliament for the City of *Peterborough*, in the County of *Northampton*, is in the Inhabitants within the Precincts of the Minſter there,

being Houſeholders not receiving Alms within the ſaid City paying Scot and Lot.

Petersfield.

1. *Martis*, 9 *die Maii*, 1727.

Mr. *Gibbon* (according to Order) reported from the Committee——

Reſolved, That it is the Opinion of this Committee, that the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Petersfield*, in the County of *Southampton*, is in the Freeholders of Lands or ancient Dwelling-houſes or Shambles, or Dwelling-houſes or Shambles, built upon ancient Foundations within the ſaid Borough.

Agreed to by the Houſe.

Petition.

1. *Jovis*, 14 *die Decembris*, 1699.

Reſolved, That the Petition of ſeveral Inhabitants within the ſaid Borough, (*St. Ives in Com. Cornub.*) preſented to the Houſe of Commons this Seſſions of Parliament, touching the late Election for the ſaid Borough, is not the ſame in Subſtance with the Petition from ſeveral Inhabitants of the ſaid Borough, preſented to the Houſe of Commons the laſt Seſſion of Parliament, relating to the ſaid Election.

2. *Ordered*, That the Committee of, &c. do not proceed any further upon the Petition touching the ſaid Election.

See the Vote of the next Day and of the nineteenth, concerning Sir *Thomas Stamp*'s Petition for the Borough of *Reading*, and ſee ſeventeen *January*, One thouſand ſix hundred and ninety-nine, thirty-

thirty-one *January*, One thouſand ſix hundred and ninety-nine, 6 *Martii*, One thouſand ſix hundred and nine-nine.

3. *Mercurii*, 3 *die Martii*, 1713.

A Petition of *Theophilus Ogletborpe*, Eſq; was read, complaining of an undue Election and Return for the Borough of *Haſlemere*, in the County of *Surry*; and the Houſe being informed, that it is not believed the ſaid Mr. *Ogletborpe* did or could ſign the ſaid Petition (as he ought to have done) he being abroad beyond the Seas; and it appearing to be delivered to the Clerk of this Houſe the eighteenth of *September*, laſt (ſoon after the Election for the ſaid Borough) as the Houſe was alſo informed by one Mr. *Orby*.

Ordered, That the ſaid Petition do lie upon the Table.

4. *Ordered*, That the ſaid Mr. *Orby* do attend this Houſe to-morrow Morning.

5. *Jovis*, 4 *die Martii*, 1713.

The Houſe being informed that Mr. *Orby* attended (according to Order) he was called in, and examined touching the Petition of Mr. *Ogletborpe*, relating to the Election for the Borough of *Haſlemere*, in the County of *Surry*; and he owned the Delivery of the ſaid Petition to the Clerk of this Houſe, declaring that he had the ſame from the Lady *Ogletborpe*, with her Deſire to deliver it; but that he knew nothing of the Signing thereof; and the ſame not appearing to be ſigned by Mr. *Ogletborpe*,

Reſolved, That the ſaid Petition be rejected.

Martis, 9 die Martii, 1714.

6. The Houſe being informed that the Petition of Colonel *John Erſkine*, complaining of an undue Election and Return for the Burghs of *Stirling*, *Culroſſe*, *Dumferling*, *Innerkeithing*, and *Queen's-ferry*, is not ſigned by the Petitioner.

Ordered, That it be an Inſtruction to the Committee of Privileges and Elections, that before they proceed upon the ſaid Petition, they do examine into the Manner of ſigning the ſame.

7. *Martis, 6 die Aprilis, 1714.*

Sir *Gilbert Dolben* (according to Order) reported from the Committee of Privileges and Elections, the Matter, as it appeared to them, touching the Manner of ſigning the Petition of *James Barry*, Earl of *Barrymore*, in the Kingdom of *Ireland*, complaining of an undue Election for the Borough of *Wiggan*, in the County of *Lancaſter*; which Report he read in his Place, and afterwards delivered in at the Table, where the ſame was read.

Reſolved, That the Committee of Privileges and Elections, be diſcharged from proceeding upon the Petition of the Earl of *Barrymore*, complaining of an undue Election for the Borough of *Wiggan*, in the County of *Lancaſter*, the ſaid Petition not having been ſigned by the Earl himſelf, but having been ſigned by the Order of the ſaid Earl, and owned by him.

8. A Motion being made, and the Queſtion being put, that the Earl of *Barrymore* be at liberty to preſent a new Petition ſigned by himſelf, and containing the ſame Allegations which were contained in the former Petition and no other;

It paſſed in the Negative.

9. Jovis,

9. *Jovis, 7 die Maii, 1714.*

Ordered, That the Committee of Privileges and Elections be diſcharged from proceeding on the ſaid Petition (*of Colonel* John Erſkine, *for the Burghs of* Stirling, *&c.*) the ſame not having been ſigned by the Petitioner himſelf.

Sabbati, 18 die Junii, 1715.

10. The Queſtion being put, That *Simon Gough* and *John Moor*, having ſigned the Indenture of Return, by which *Charles Cornwall*, Eſq; is returned a Burgeſs to ſerve in this preſent Parliament for the Borough of *Weobly*, in the County of *Hereford*, the Houſe will proceed on the Petition of the ſaid *Simon Gough* and *John Moor*, complaining of an undue Election of the ſaid *Charles Cornwall*, Eſq;

It paſſed in the Negative.

11. *Lunæ, 4 die Martii, 1716.*

A Petition of divers of the Inhabitants of the Borough of *Leominſter*, in the County of *Hereford*, was preſented to the Houſe and read, complaining of an undue Election for the ſaid Borough.

And a Motion being made, and the Queſtion being put, that the ſaid Petition be referred to the Committee of Privileges and Elections, and that they do examine the Matter thereof, and report the ſame, with their Opinion thereupon to the Houſe;

It paſſed in the Negative.

12. *Reſolved*, That the ſaid Petition be rejected.

13. *Sabbati, 6 die Aprilis,* 1717.

A Petition of ſeveral of the Inhabitants and Burgeſſes of the Borough of *Leominſter*, in the County of *Hereford*, who have a Right of voting for electing Members to ſerve in Parliament for the ſaid Borough, was preſented to the Houſe and read, complaining of an undue Election and Return for the ſaid Borough.

Ordered, That the ſaid Petition be referred to the Conſideration of the Committee of Privileges and Elections, and that they do examine the Matter thereof, and report the ſame, with their Opinion thereupon, to the Houſe.

14. *Martis, 23 die Octobris,* 1722.

Upon an undue Return for *Inverneſs, &c.* (See Title *Inverneſs*) it was

Ordered, That *Alexander Gordon* of *Ardock*, Eſq; be at liberty to petition this Houſe touching the Election for the Diſtrict of Burghs of *Inverneſs*, *Nairn*, *Forres*, and *Fortroſe*, within fourteen Days next, if he thinks fit.

15. *The like Orders were made on* Thurſday, *the twenty-fifth of the ſame Month, concerning an undue Return for the Diſtrict of Burghs of* Inverbervy, Aberdeen, Montroſe, Brichen, *and* Aberbrothick; *the Borough of* Inverbervy, *being the preſiding Borough.*

16. *And on the twenty-ſeventh of the ſame Month, the like Orders were made concerning an undue Return for the Burghs of* Dyſart, Burnt-Iſland, Kirkaldie, *and* Kinghorn; *the Burgh of* Dyſart, *being the preſiding Burgh.*

17. *And on the ſame Day the like, concerning an undue Return for the Diſtrict of Burghs of* Kilrenny,

Anſtruther-Weſter, Anſtruther-Eaſter, Pittenweem, *and* Crail; Kilrenny *being the preſiding Burgh.*

18. *And on the ſame Day the like, concerning,* &c. Forfar, Perth, Dundee, St. Andrews, *and* Coupar; Forfar *being the preſiding Burgh.*

19. *Mercurii,* 21 *die Novembris,* 1722.

The ſtanding Order of the eighteenth Day of *February,* One thouſand ſeven hundred and ſeven, was read, *viz.*

Mercurii, 18 *die Februarii, Anno* 6 *Annæ Reginæ.*

Reſolved, *That all Petitions upon every new Parliament* relating *to Elections and Returns be delivered to the Clerk of this Houſe, and be laid by him upon the Table before the Speaker be choſen.*

Ordered, That the ſaid Order be diſcharged from being one of the ſtanding Orders of this Houſe.

20. *Mercurii,* 3 *die Martii,* 1729.

The Petition of the major Part of the Burgeſſes of the ſaid Borough of *Beaumaris* (*in Com. Angleſey*) and alſo the Petition of the Burgeſſes of the Borough of *Newburgh,* in the ſaid County of *Angleſey,* were read; and the Counſel were heard.

And it being objected that the ſaid Petition of the Burgeſſes of the Borough of *Newburgh,* was ſigned by ſome Perſons who had not ſigned the former Petitions, preſented in this Parliament, and that the Names of ſome of the Petitioners were not written or Marks made by the Perſons themſelves, the Counſel were directed to withdraw.

And the Reſolution of the Houſe the fourteenth of *November*, One thouſand ſix hundred and eighty-nine (that all Petitions preſented to the Houſe ought to be ſigned by the Petitioners, with their own Hands, by their Names or Marks) was read; and

The Journal of the ſixth of *April*, One thouſand ſeven hundred and fourteen, (in the Caſe of the Petition, touching the Election for the Borough of *Wiggan*, in the County of *Lancaſter*) was read.

Ordered, That the Counſel be called in, and be directed by Mr *Speaker*, to proceed only upon the Matter of the Petition of the major Part of the Burgeſſes of the Borough of *Beaumaris*. See *Stat.* 10. *G.* 3. *c.* 16. in former Part of this Work.

Petition Veratious.

1. *Veneris*, 21 *die Decembris*, 1695.

Reſolved, That Sir *George Meggott*, having preferred to this Houſe a groundleſs and vexatious Petition, relating to the Election of Members to ſerve in this preſent Parliament for the ſaid Borough (*Southwark* in *Surry*) and having ſcandalized this Houſe, in declaring, *That without being duly choſen, he had Friends enow in the Houſe, to bring him into this Houſe*, be taken in the Cuſtody of the Serjeant at Arms attending this Houſe.

2. *Reſolved*, That Sir *George Meggott* do make Satisfaction to the Members of this Houſe he petitioned againſt, for the Coſts and Expences they have been put unto by reaſon of ſuch Petitions.

3. *Mercurii*, 4 *die Martii*, 1695.

Reſolved, That Sir *Richard Gipps* having preferred to the Houſe a frivolous, vexatious, and groundleſs

groundleſs Petition, relating to the Election of Members to ſerve for the Borough of *Totneſs*, be taken into Cuſtody of the Serjeant at Arms.

4. *Reſolved*, That Sir *Richard Gipps* do make Satisfaction to the Members of this Houſe he petitioned againſt, for the Coſts and Expences they have been put unto by reaſon of ſuch Petition.

5. *Sabbati, 7 die Februarii*, 1701.

Reſolved, That *Thomas Colepeper*, Eſq; who was one of the Inſtruments in promoting and preſenting the ſcandalous, inſolent, and ſeditious Petition, commonly called *the Kentiſh Petition*, to the laſt Houſe of Commons, hath been guilty of corrupt, ſcandalous, and indirect Practices, in endeavouring to procure himſelf to be elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Maidſtone*.

6. *There is another Reſolution*, That he is guilty of aſperſing the laſt Houſe of Commons.

7. *Ordered*, That the ſaid *Thomas Colepeper*, Eſq; be, for his ſaid Offence, committed to *Newgate*.

8. *Sabbati, die Novembris*, 1702.

Reſolved, that the Petition of ſeveral of the free Burgeſſes of the Corporation of *Colcheſter*, againſt Sir *Thomas Cook*, a Member of this Houſe, is falſe and ſcandalous.

9. *And ſeveral Perſons by Name (who were the Petitioners) were ſeverally ordered into Cuſtody.*

Plymouth,

Plymouth.

Veneris, 14 die Decembris, 1739.

1. *Ordered*, That the Commiſſioner and Clerk of the Cheque of his Majeſty's Dock-yard, near the Borough of *Plymouth*, do permit *John Rogers*, Eſq; (againſt whom a Petition is depending before this Houſe, touching the laſt Election of a Member to ſerve in Parliament for the ſaid Borough) or his Agents, to inſpect and take Minutes of the Muſter-Rolls and Books, wherein are contained the Time of Entry, and Diſcharge of all Ship-Wrights, Labourers, and other Artificers belonging to the ſaid Dock.

2. *Ordered*, That the Agent-Victualler, and Clerk of the Cheque of his Majeſty's Victualling Office at *Plymouth*, do permit *John Rogers*, Eſq; (againſt whom, *&c.*—) or his Agents, to inſpect and take Minutes of the Muſter-Rolls and Books wherein are contained the Time of the Entry and Diſcharge of all Perſons employed in the ſaid Service.

3. *On the Hearing, Martis, 15 die Januarii, 1739.*

The ſtanding Order made ſixteenth *January*, One thouſand ſeven hundred and thirty-five, for reſtraining Counſel from offering Evidence touching the Legality of Votes,——contrary to the laſt Determination of the Houſe of Commons, was read.

4. And the laſt Determination of the Houſe concerning the Right of electing Burgeſſes to ſerve in Parliament for the ſaid Borough, made the ninth Day of *June*, One thouſand ſix hundred and ſixty, which

which was then reſolved to be in the Mayor and Commonalty of the ſaid Borough, was alſo read.

5. Then the Counſel for the Petitioner were heard, and inſiſted, that the Word *Commonalty*, in the ſaid laſt Determination, extended only to the Freemen of the ſaid Borough, excluſive of the Freeholders thereof.

Which being denied by the Counſel for the ſitting Member, who inſiſted, that the ſaid Word *Commonalty* includes the Freeholders of the ſaid Borough;

Many Pieces of Evidence were given on each Side (which are ſtated in the Votes of this Day, and on the Day next hereafter mentioned) conſiſting chiefly of Charters, Indentures of Return, a Parliament-Roll, and Witneſſes to prove the Uſage.

And

6. *Jovis*, 17 *die Januarii*, 1739.

It was Reſolved, That in the laſt Determination of this Houſe, of the Right of Election of Members to ſerve in Parliament for the Borough of *Plymouth*, in the County of *Devon*, made the ninth of *June*, in the Year One thouſand ſix hundred and ſixty, which is as followeth, "That the Mayor "and Commonalty of *Plymouth* have a Right to "elect Members to ſerve in Parliament for that "Borough." It appears to this Houſe, That the Word *Commonalty* therein mentioned, extended to the Freemen only of the ſaid Borough.

7. — The ſitting Member acquainted the Houſe, That the Word *Commonalty*, mentioned in the laſt Determination of this Houſe, of the Right of Election of Members to ſerve in Parliament for the Borough of *Plymouth* being declared by this Houſe

Houſe to extend to the Freemen only of the ſaid Borough, he would not give the Houſe any further Trouble, and then he withdrew.

8. And the Queſtion being put, That *John Rogers*, Eſq; is duly elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Plymouth*, in the County of *Devon*;

It paſſed in the Negative.

9. *Reſolved*, That *Charles Vanbrugh*, Eſq; is duly elected, *&c.*

Plympton.

1. *Lunæ*, 14 *die Aprilis*, 1690.

Reſolved, That the Charter granted by the late King *James*, to the Borough of *Plympton*, (*in Com. Devon*) is illegal and deſtructive to the Conſtitution of the Government.

2. *Jovis*, 28 *die Januarii*, 1702.

Reſolved, That the Right of electing Burgeſſes to ſerve Parliament for the Borough of *Plympton*, in the County of *Devon*, is in the Mayor, Bailiff, and Freemen of the ſaid Borough, and in the Sons of Freemen, who have a Right to demand their Freedom, and have been refuſed the ſame.

3. *Reſolved*, That the Proceeding of the Mayor and Corporation of the Borough of *Plympton*, in the County of *Devon*, in making Freemen after the Death of his late Majeſty, to vote at the laſt Election, was illegal, and contrary to the Rights of the ſaid Corporation, and that thoſe Freemen then pretended to be made, have not thereby obtained any Right to vote on that Account in any future Elections.

Poll.

Veneris, 15 *die Februarii*, 1677.

1. Whereas on the thirtieth of *April* laſt, an Election was intended to be made of a Knight of a Shire for the County of *Dorſet*, upon a Writ legally iſſued for that Purpoſe.

Reſolved, That ſuch Elections and the Returns thereupon are void.

Firſt, Becauſe the Sheriff did not execute or obey his Writ.

2. *Secondly*, Becauſe he left divers Freeholders unpolled, and made no due Proclamation before he cloſed the Poll.

3. *Thirdly*, Becauſe he did not number thoſe Voices he polled, nor declared who he judged to be duly elected.

4. *Laſtly*, Becauſe he returned two Perſons, when he ſhould have returned but one; and ſignified ſuch his Return to be the Agreement of the Parties, rather than his Judgment according to Right and Law.

A new Writ ordered.

5. *Veneris*, 28 *die Novembris*, 1690.

Reſolved, That the Adjournment of the Poll taken at the Election of the Knight of the Shire for the County of *Cardigan*, by the Sheriff of the ſaid County, from *Aberiſtwith* to *Cardigan*, is a legal and good Adjournment.

Note, *There is an Act*, 1 Mar. *which appoints the Sheriff's Tourn to be kept at* Cardigan *and* Aberiſtwith alternis vicibus;
But ſee Stat. 7 & 8 W. 3. c. 25.

6. *Veneris*,

6. *Veneris*, 8 *die Februarii*, 1705.

Reſolved, That any Perſon having a Right to vote for two Members to ſerve in Parliament, who hath given a ſingle Voice, hath not a Right to come afterwards and give a ſecond Vote during the ſaid Election.

7. *Veneris*, 1 *die Decembris*, 1710.

The Return for the Borough of *Tiverton*, being read, it appeared that *T. B. R. M.* and *J. W.* Eſqrs; had an equal Number of Voices.

Reſolved, That the late Election of Burgeſſes to ſerve in this preſent Parliament, for the Borough of *Tiverton*, is a void Election.

Ordered, a new Writ to iſſue, *&c.*

At the Hearing the Election for the Shire of *Wigtown*, the Petitioner's Counſel inſiſting that the ſitting Member had not a Right to vote, and the ſitting Member's Counſel inſiſting, that they ought not now to be permitted to make the ſaid Objection, the Petitioner (who was *Præſes*) having ſigned the Freeholder's Roll.

Reſolved, That the Petitioner having ſigned the Freeholder's Roll, in which the ſitting Member was inſerted, with a Proteſtation, was at Liberty at any Time to renew his Objection againſt the ſitting Member's Vote, before the Election was proceeded on.

8. *Martis*, 6 *die Martii*, 1710.

At hearing the Election for the Borough of *Cockermouth*, in the County of *Cumberland*.

The Petitioner's Counſel inſiſting that they ought to proceed to qualify and diſqualify all ſuch Voters,

Voters as were queried upon the Scrutiny, and the ſitting Member's Counſel acquainting the Houſe, that there were Liſts exchanged between the Parties, the twenty-fourth of *January* laſt, of what Votes each Party would inſiſt upon to diſqualify: The *Speaker*, (by Direction of the Houſe) acquainted them, that they ſhould proceed upon the Votes queried at the Election, upon the Liſts mutually delivered the twenty-fourth of *January* laſt.

9. *Jovis*, 7 *die Februarii*, 1711.

Reſolved, That it is the Opinion of this Committee, that at the late Election of a Member to ſerve in this preſent Parliament for the Borough of *Southwark*, in the County of *Surry*, the Poll being cloſed and caſt up, and the Majority of Votes declared by Proclamation for Sir *George Matthews*, *Henry Martin*, Eſq; the Bailiff, could not proceed to a Scrutiny, not having adjourned the Court to any Time or Place.

10. *Sabbati*, 28 *die Januarii*, 1708.

Reſolved, That (according to the Terms of the Act of Parliament paſſed in the third Parliament of King *Charles* the ſecond, intitled, *An Act concerning the Election of Commiſſioners for the Shires*; there ought to have been twelve Days excluſive between the Day of Election of a Commiſſioner to ſerve in this preſent Parliament for the Shire of *Roſs*, and the Day appointed by the Writ of Summons for the meeting of the Parliament.

11. *Martis*,

11. *Martis*, 13 *die Februarii*, 1710.

The queſtion being put, that *Homer Maxwell*, *J. G. R. G. L. G. G.* of *G.* and *J. B.* who were enfeft of Eſtate, redeemable upon paying a Roſe-Noble, had a Right to vote in the Election of a Commiſſioner for the Shire of *Dumfries*.

It paſſed in the Negative.

12. *Jovis*, 22 *die Februarii*, 1710.

The Queſtion being put, that *Abraham Creyton*, (being the Huſband of an apparent Heireſs, who was not enfeft) had a Right to vote in the Election of a Commiſſioner for the Shire of *Dumfries*.

It paſſed in the Negative.

Pontefract.

Jovis, 24 *die Novembris*, 1768.

Reſolved, That it appears to this Houſe, that there were notorious and outrageous Riots and Tumults at the late Election of Burgeſſes to ſerve in Parliament for the Borough of *Pontefract*, in the County of *York*, in defiance of the civil Authority, and in violation of the Freedom of Elections; and that the ſaid Election was a void Election.

Martis, 6 *die Februarii*, 1770.

1. *Reſolved*, That two Entries of 28 *May*, 1624. of Reſolutions concerning the Right of Election for the Borough of *Pontefract*, appearing in two ſeveral Journals, be not admitted to be read at the Bar, as the laſt Determination of the Houſe, touching

ing the Legality of Votes for Members to ſerve in Parliament, for that Borough.

2. *Reſolved*, That the Right of Election for Members to ſerve in Parliament, for the Borough of *Pontefract*, in the County of *York*, is in Perſons having, within the ſaid Borough, a Freehold of Burgage Tenure, paying a Burgage Rent.

Portſmouth.

1. *Veneris*, 24 *die Januarii*, 1995.

Reſolved That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Portſmouth* (in *Com. Southampton*) is in the Mayor, Aldermen, and Burgeſſes, of the ſaid Borough only.

2. *Sabbati*, 3 *die Februarii*, 1710.

Reſolved, That *Joſeph Whitborn*, Eſq; who was elected Mayor of the Borough of *Portſmouth*, on the tenth Day of *December*, One thouſand ſeven hundred and nine, and had not duly qualified himſelf for that Office according to Law; by taking the Sacrament of the Lord's Supper according to the Rites of the Church of *England*, within one Year next before his Election, was not legal Mayor of the ſaid Borough.

3. *Reſolved*, That the Aldermen elected during the ſaid pretended Mayoralty of the ſaid Mr. *Whitehorn*, are not legal Aldermen, and the Burgeſſes elected during his pretended Mayoralty, have not a Right to vote in Elections of Members to ſerve in Parliament for the ſaid Borough of *Portſmouth*.

Preſton.

18 *die Decembris*, 1661.

1. *Reſolved*, That all the Inhabitants of the Borough of *Preſton*, in the County of *Lancaſter*, have Voices in the Election of Members to ſerve in Parliament for the ſaid Borough.

Martis, 29 *die Novembris*, 1768.

2. *Reſolved*, Not to admit Counſel to produce Evidence, in order to ſhew that the Right of Election for the ſaid Borough was in all the Inhabitants, according to the laſt Determination of the Houſe; or that the Words "all the Inhabitants," mentioned in the ſaid Determination of the Houſe, mean only, "ſuch In-Burgeſſes of the laſt Guild, "or thoſe admitted ſince, by Copy of Court Roll, "as are Inhabitants of the Place."

Privileges and Contempts.

Lunæ, 14 *die Novembris*, 1692.

1. *Reſolved Nemine contradicente*, That the Diſfranchiſing of *Chriſtopher Muſgrave*, Eſq; a Member of this Houſe. by the Mayor, Aldermen, and Citizens of the City of *Carliſle*, is a Breach of the Privilege of this Houſe.

And the Perſons moſt concerned, were ordered into Cuſtody.

Veneris, 4 *die Decembris*, 1696.

2. *Reſolved*, That Sir *George Meggott*, having proſecuted at Law, *Thomas Mayling* and *John Ladd*, for

for what they teſtified at the Committee of Privileges and Elections, the laſt Seſſion, upon the hearing the Matter touching the Election for the Borough of *Southwark*, is guilty of a Breach of the Privileges of this Houſe.

3. *Ordered*, That Sir *George Meggott* be taken into Cuſtody for the ſaid Breach of Privilege.

Mercurii, 26 *die Januarii*, 1703.

Mr. *Freeman* (according to Order) reported from the Committee of the whole Houſe to whom it was referred, to conſider of the Reports of the Journals of the Houſe of Lords, touching the Caſe of *Barnardiſton* and *Soames*; the Reſolutions which they had directed him to report to the Houſe, which he read in his Place, and afterwards delivered in at the Table, where the ſame were read, and (with an Amendment to one of them) agreed unto by the Houſe, and are as follows.

4. *Reſolved*, That according to the known Laws and Uſage of Parliament, it is the ſole Right of the Commons of *England*, in Parliament aſſembled (except in Caſes otherwiſe provided for by Act of Parliament) to examine and determine all Matters relating to the Right of Election of their own Members.

5. *Reſolved*, That according to the known Law and Uſage of Parliament, neither the Qualification of any Elector, nor the Right of any Perſon elected, is cognizable or determinable elſewhere than before the Commons of *England* in Parliament aſſembled, except in ſuch Caſes as are ſpecially provided for by Act of Parliament,

6. *Reſolved*, That the examining and determining the Qualification, or a Right of any Elector, or any Perſon elected to ſerve in Parliament, in any Court of Law, or elſewhere, than before

the Commons of *England* in Parliament aſſembled (except in ſuch Caſes as are ſpecially provided for by Act of Parliament) will expoſe all Mayors, Bailiffs, and other Officers, who are obliged to take the Poll, and make the Return thereupon, to Multiplicity of Actions, vexatious Suits, and inſupportable Expences, and will ſubject them to different and independent Juriſdictions and inconſiſtent Determinations in the ſame Caſe without Relief.

7. *Reſolved*, That *Matthew Aſhby* having in Contempt of the Juriſdiction of this Houſe, commenced and proſecuted an Action at Common-Law againſt *William White*, and others, the Conſtables of *Aylesbury*, for not receiving his Vote at an Election of Burgeſſes to ſerve in Parliament, for the ſaid Borough of *Aylesbury*, is guilty of a Breach of the Privilege of this Houſe.

8. *Reſolved*, That whoever ſhall preſume to commence or proſecute any Action, Indictment, or Information, which ſhall bring the Right of the Electors or Perſons elected to ſerve in Parliament, to the Determination of any other Juriſdiction than that of the Houſe of Commons (except in Caſes ſpecially provided for by Act of Parliament) ſuch Perſon or Perſons, and all Attornies, Solicitors, Counſellors, and Serjeants at Law, ſoliciting, perſecuting or pleading in any ſuch Caſe, are guilty of a high Breach of the Privilege of this Houſe.

9. *Veneris*, 4 *die Aprilis*, 1707.

Reſolved, *Nemine Contradicente*, That when any Perſon ordered to be taken into the Cuſtody of the Serjeant at Arms ſhall either abſcond from Juſtice, or having been in Cuſtody ſhall refuſe to pay the juſt Fees, That in either of thoſe Caſes, the Order for Commitment ſhall be renewed in the Beginning

of the next Seſſion of Parliament; and that this be declared to be a ſtanding Order of the Houſe.

10. *Lunæ, die Aprilis,* 1715.

A Complaint being made to the Houſe, that the Mayor of the Town of *Cambridge* being ſerved with an Order of the Committee of Privileges and Elections, for permitting Mr. *Shepheard* and Mr. *Jenyns*, or their Agents, to inſpect the Records, Charters, and publick Books and Writings of the ſaid Town: Mr. *Joſeph Pyke*, and Mr. *John York* were called in, and examined at the Bar, and the Order of the Committee was read.

Reſolved, That Mr. *Charles Chambers*, Mayor of the Town of *Cambridge*, having refuſed to obey the Order of the Committee of Privileges and Elections for permitting *Samuel Shepheard*, jun. and *John Jenyns*, jun. Eſq; or their Agents to inſpect the Records, Charters, and publick Books and Writings of the ſaid Town, be for the ſaid Contempt taken into Cuſtody of the Serjeant at Arms attending this Houſe.

11. *Lunæ*, 4 *die Aprilis*, 1715.

A Complaint being made to the Houſe, that the Under-Sheriff of the County of *Cumberland* who executed the Writ for electing Knights of the Shire for the ſaid County, hath not made any Return thereof by the ſeventeenth of *March* laſt, being the Day appointed for ſuch Return, by which means none of the Members choſen to ſerve for the ſaid County, or the Boroughs therein, can be admitted to give their Attendance in this Houſe.

Reſolved, That *Thomas Croſby*, Under-Sheriff of the County of *Cumberland*, having neglected to return the Writ for electing the Members of the ſaid

County by the ſeventeenth Day of *March* laſt, being the Day appointed for the Return thereof, is guilty of a great Breach of the Privilege of this Houſe.

12. *Ordered*, That the ſaid *Thomas Crosby* be, for the ſaid Breach of Privilege, taken into Cuſtody of the Serjeant at Arms attending this Houſe.

13. *Sabbati*, 20 *die Martii*, 1713.

A Complaint being made to the Houſe, that the Town-Clerk of the Borough of *Colcheſter*, having been ſerved with an Order of the Committee of Privileges and Elections, for permitting *Nicholas Corſellis*, Eſq; and his Agents, to inſpect the Free-School Book, and any publick Books, Charters, Papers, or Records, in order to the preparing for the hearing of the Matter touching the Election for the ſaid Borough before the ſaid Committee, he the ſaid Town-Clerk had refuſed the ſame. Whereupon one *John Sommers*, Servant to the ſaid Mr. *Corſellis*, was called in and examined at the Bar in relation to the Matter of the ſaid Complaint,

And then he withdrew.

Reſolved, That *Thomas Glaſcock*, Town Clerk of the Borough of *Colcheſter*, in the County of *Eſſex*, having refuſed to obey the Order of the Committee of Privileges and Elections, for permitting *Nicholas Corſellis*, Eſq; or his Agents, to inſpect the publick Books and Records of the ſaid Borough, be, for the ſaid Contempt, taken into Cuſtody of the Serjeant at Arms attending this Houſe.

14. *Martis*, 24 *die Maii*, 1715.

Reſolved, That *Joſeph Calton*, Mayor of the Borough of *Hertford*, is guilty of acting in an illegal

and arbitrary manner in the late Election of Burgeſſes to ſerve in Parliament for the Borough of *Hertford*, in Contempt of 7 *W.* 3. *c.* 7. and in Breach of the Privilege of this Houſe.

15. *Ordered*, that the ſaid *Joſeph Calton* be, for the ſaid Breach of Privilege, taken into the Cuſtody of the Serjeant at Arms attending this Houſe.

16. *Mercurii*, 21 *die Januarii*, 1718.

Reſolved, That *John Benfield*, Mayor of the Borough of *Corfe Caſtle (in Com. Dorſet)* is guilty of divers arbitrary and illegal Practices in the late Election and Return of a Member to ſerve in this preſent Parliament for the ſaid Borough, and of a Contempt in not obeying the Order of the Committee for producing the Charters of the ſaid Borough in his Cuſtody.

17. *Reſolved*, That *William Dowdall*, late Mayor of the Borough of *Corfe Caſtle*, is guilty of a Contempt in not obeying the Orders of the Committee, for producing the Charters of the ſaid Borough in his Cuſtody.

18. *They were both ordered into Cuſtody*, &c. *and ſo was* David Toomer *on the* Saturday *following, for arbitrary and illegal Practices at the Election of a Burgeſs for* Shafton, *alias* Shafteſbury, *in Com.* Dorſet.

19. *Jovis*, 6 *die Maii*, 1742.

Reſolved, *Nemine contradicente*, That *John Cullis*, having in his Examination before a Committee of this Houſe, wilfully and maliciouſly given falſe Evidence, tending to aſperſe the Character of *John Laroche*, Eſq; a Member of this Houſe, is thereby guilty of a high Miſdemeanor, and a Breach of the Privilege of this Houſe.

Ordered, *Nemine contradicente*, That the ſaid *John Cullis* be for his ſaid Offence, committed Priſoner to his Majeſty's Gaol of *Newgate*; and that Mr. *Speaker* do iſſue his Warrants accordingly.

20. *Martis*, 11 *die Maii*, 1742.

A Petition of *John Cullis* was preſented to the Houſe, and read; repreſenting to the Houſe, that the Petitioner has had the Misfortune of incurring the Diſpleaſure of the Houſe, by giving falſe Teſtimony at a Committee, relating to a worthy Member; for which Offence the Petitioner is now confined in his Majeſty's Gaol of *Newgate*; and that the Petitioner is truly ſenſible of his Fault, is ſincerely ſorry, and moſt heartily repents of ſuch his Offence, and humbly begs Pardon of the Houſe, and alſo of the worthy Member; and that the Petitioner has lately had a violent Fit of Illneſs, is now very weak, and in a bad State of Health; and moſt humbly aſſures the Houſe, that, if he is confined in *Newgate* any longer, it will greatly hazard the Petitioner's Life, which will be an irreparable Loſs to his poor Family; and therefore praying the Houſe to take the Petitioner's Caſe into Conſideration, and give leave, that he may be diſcharged out of Priſon.

Ordered, That the ſaid *John Cullis*, committed Priſoner by this Houſe, to his Majeſty's Gaol of *Newgate*, upon *Thurſday* laſt, be brought to the Bar of this Houſe To-morrow Morning, in order to his being diſcharged out of Cuſtody, and that Mr. *Speaker* do iſſue his Warrants accordingly.

Quakers.

Mercurii, 30 *die Aprilis*, 1690.

For the County of Hertford.

1. *Reſolved*, That Quakers having a Freehold, and refuſing to take the Oath when tendered by the Sheriff, are incapable of giving their Votes for Knights of the Shire, for that Reaſon.

2. *Martis*, 25 *die Maii*, 1714.

The Houſe proceeded (according to Order) to the hearing the Merits of the Election for the Borough of *Southwark*, in the County of *Surry*; and the Counſel were called in, and the Petition complaining of the ſaid Election was read; and the Petitioner's Counſel examined ſeveral Witneſſes, touching the Affirmation which was adminiſtred to the People called Quakers, inſtead of the Oath of Abjuration; and ſeveral Sections in 7 and 8 *W.* 3. *c.* 34. and of 6 *Ann. c.* 23. were read, and alſo the Form of the ſaid Affirmation adminiſtred to them, was alſo read,

And the Counſel on both Sides were heard; and then withdrew.

And a Motion being made, and the Queſtion being put, That the Quakers who made their ſolemn Affirmation in the Form tendered to them inſtead of the Oath of Abjuration, by the Bailiff of the Borough of *Southwark*, upon the late Election of Members to ſerve in Parliament for the ſaid Borough, had a Right to vote in the ſaid Election:

It paſſed in the Negative.

This is altered by Stat. 1 *G.* 1. *Seſſ.* 1. *ch.* 7.

Qualif-

Qualification of Candidates.

See CAPACITY.

1. *Jovis, 21 die Novembris, 1717.*

Reſolved, That notwithſtanding the Oath taken by any Candidate at or after any Election, his Qualification may be afterwards examined into.

2. *Reſolved*, That the Perſon whoſe Qualification is expreſsly objected to in any Petition relating to his Election, ſhall, within fifteen Days after the Petition read, give to the Clerk of the Houſe of Commons a Paper ſigned by himſelf, containing a Rental or Particular of the Lands, Tenements, and Hereditaments whereby he makes out his Qualification; of which any Perſon concerned may have a Copy.

3. *Reſolved*, That of ſuch Lands, Tenements, and Hereditaments, whereof the Party hath not been in Poſſeſſion for three Years before the Election, he ſhall alſo inſert in the ſame Paper from what Perſon, and by what Conveyance, or Act in Law he claims and derives the ſame; and alſo the Conſideration, (if any) paid, and the Names and Places of Abode of the Witneſſes to ſuch Conveyance and Payment.

4. *Reſolved*, That if any ſitting Member ſhall think fit to queſtion the Qualification of a Petitioner, he ſhall, within fi teen Days after the Petition read, leave Notice thereof in Writing with the Clerk of the Houſe of Commons; and the Petitioner ſhall in ſuch Caſe, within fifteen Days after ſuch Notice, leave with the ſaid Clerk of the Houſe the like Account in Writing of his Qualification, as is required from a ſitting Member.

5. *Reſolved*,

5. *Reſolved*, That the four laſt Reſolutions be declared to be ſtanding Orders of the Houſe.

6. *Martis*, 27 *die Februarii*, 1727.

The Houſe being acquainted that *Alexander Luttrell* and *Francis Whitworth*, Eſqs; (ſitting Members for the Borough of *Minehead* in the County of *Somerſet*) did on the ſeventh Day of *February* inſtant (purſuant to the ſtanding Order of the Houſe of the twenty-firſt Day of *November*, One thouſand ſeven hundred and ſeventeen) leave with the Clerk of this Houſe their Demand in Writing of the Qualification of *George Grove*, Eſq; one of the Petitioners, complaining of an undue Election and Return for the ſaid Borough; and that the ſaid Mr. *Grove* had not delivered in to the Clerk any Paper of his Qualification, purſuant to the ſaid ſtanding Order.

The Demand of the ſaid Qualification, and alſo the ſaid ſtanding Order of the Houſe, were read.

And the Clerk of the Houſe being called upon, acquainted the Houſe, that he had not received any Particular of Mr. *Grove*'s Qualification.

Ordered, that the Committee of Privileges and Elections be diſcharged from proceeding upon ſo much of the Petition of Sir *William Codrington*, Bart. and *George Grove*, Eſq; (complaining of an undue Election and Return for the Borough of *Minehead* in the County of *Somerſet*) as relates to the ſaid *George Grove*, Eſq; he having neglected to comply with the ſtanding Order of this Houſe, whereby he is required to deliver in his Qualification to the Clerk of this Houſe within fifteen Days after Demand thereof.

7. *Sabbati*,

7. *Sabbati*, 30. *die Aprilis*, 1715.

Reſolved, That *William Benſon*, Eſq; one of the Petitioners, complaining of an undue Election for the Borough of *Shaftesbury*, in the County of *Dorſet*, having at the Demand of the ſitting Members, delivered in a Particular of Lands, Tenements, and Hereditaments, in order to make out his Qualification to be elected for the ſaid Borough, purſuant to the Order of the Houſe of the twenty-third of *March* laſt; the Counſel for the ſitting Members (if they have any Objection to the ſaid *William Benſon*'s Qualification) be directed to make their Objections to the ſaid Particular, delivered in purſuant to the ſaid Order of the Houſe, ſo far only as the ſame relates to Lands, Tenements, and Hereditaments in the Pariſh of *Bromley* in the County of *Middleſex*; being the only Qualification the ſaid ſaid *William Benſon* gave in upon Oath at the ſaid Election, as appears by the Certificate of the Mayor of the ſaid Borough.

Note, *The Qualification upon Oath was not ſo extenſive as that delivered in to the Clerk of the Houſe; but by the laſt Reſolution it appears he was only to take Benefit by ſuch Eſtate as was comprized both in the Oath and Particular, and not by any Eſtate comprized in the Particular, but given in upon Oath.*

8. *Jovis*, 7 *die Maii*, 1730.

Reſolved, That *Richard Lloyde*, Eſq; did not wilfully refuſe to take an Oath of his Qualification, at the Election of a Burgeſs to ſerve in this preſent Parliament, for the Town of *Cardigan*, in the County of *Cardigan*, he not being thereunto legally required.

9. *Jovis*,

9. *Jovis, 7 die Februarii, 1734.*

Reſolved, That on the Petition of any Elector or Electors for any County, City, or Place, ſending Members to Parliament, complaining of an undue Election and Return, and alledging, That ſome other Perſon was duly elected, and ought to have been returned, the ſitting Member ſo complained of may demand and examine into the Qualification of ſuch Perſon ſo alledged to be duly elected, in the ſame Manner as if ſuch Perſon had himſelf petitioned.

10. *Ordered*, That the ſaid Reſolution be declared to be a ſtanding Order of the Houſe.

11. *Veneris, 21 die Martii, 1734.*

The Houſe being acquainted that *Thomas Brereton*, Eſq; one of the ſitting Members for the Borough of *Liverpool*, in the County Palatine of *Lancaſter*, did on the eighteenth Day of *February* laſt (purſuant to the ſtanding Order of the Houſe of the ſixth Day of the ſame Month) leave with the Clerk of this Houſe his Demand in Writing of the Qualification of *Foſter Cunliffe*, Eſq; one of the Perſons alledged to be duly elected for the ſaid Borough in the Petition of *John Cobham*, *George Dickins*, *Thomas Summers*, and others, whoſe Names are thereunto ſubſcribed, Burgeſſes of the Borough of *Liverpool*, in the Palatine of *Lancaſter*, on Behalf of themſelves and divers other Burgeſſes of the ſaid Borough, complaining of an undue Election and Return for the ſaid Borough; and that the ſaid Mr. *Cunliffe* had not delivered into the Clerk any Paper of his Qualification, purſuant to the ſaid ſtanding Order of the Houſe.

The Demand of the ſaid Qualification, and alſo the ſaid ſtanding Order of the Houſe, were read.

And

And the Clerk of the Houſe being called upon, acquainted the Houſe, that he had not received any particular of the ſaid Mr. *Cunliffe*'s Qualification.

Ordered, That the Committee of Privileges and Elections be diſcharged from proceeding upon ſo much of the ſaid Petition as relates to the ſaid Mr. *Cunliffe*, he having neglected to comply with the ſtanding Order of this Houſe, whereby he is required to deliver in his Qualification to the Clerk of this Houſe within fifteen Days after Demand thereof.

12. *Lunæ*, 14 *die Januarii*, 1739.

On a Hearing for the County of Huntingdon.

The Counſel for the Petitioner inſiſted, that the ſitting Member (Mr. *Clarke*) was not qualified to be elected, according to 9 *Ann. c.* 5.

Then the Counſel for the Petitioner, in Support of one of their Objections, offered to prove (which the Counſel for the ſitting Member admitted) that the Copyhold Lands and Tenements at *Hammerſmith* in the Pariſh of *Fulham*, in the County of *Middleſex*, which the ſitting Member, in the Rental or Particular by him delivered in to the Clerk of the Houſe (purſuant to the ſtanding Order of this Houſe made for that Purpoſe) claims in Fee, according to the Cuſtom of the Manor of *Fulham*, under a Mortgage Surrender, and an Admiſſion thereto, and a Releaſe of the Equity of Redemption from the Mortgagor, were ſubject to a ſubſequent Mortgage made by the ſaid Mortgagor previous to the Date of the ſaid Releaſe of the Equity of Redemption.

13. Then the Counſel for the Petitioner having objected to the Conſideration given for the Eſtate, which the ſitting Member, in the ſaid Rental or Particular,

Particular, claims for his natural Life, by Deed of Feoffment and Livery and Seiſin thereon given by *John Clarke* of *Huntingdon*, Gent. they offered to prove (which the Counſel for the ſitting Member admitted) that the ſaid Eſtate was all the real Eſtate, except about three Pounds *per Annum*, which the ſaid *John Clarke* the Grantor, was ſeized of at the Time of the Date of the ſaid Deed.

14. Then the Counſel for the Petitioner having objected to the Annuity of two hundred Pounds which the ſitting Member, in the ſaid Rental or Particular, claims for Life by Grant from *Charles Bernard*, Eſq; they offered to prove (which the Counſel for the ſitting Member admitted) that the Eſtate charged with the ſaid Annuity does not exceed the yearly Value of one hundred and thirty-two Pounds.

15. Then the Counſel for the Petitioner having objected, that the ſitting Member, in the Oath by him taken at the Time of his Election, purſuant to the Direction of the ſaid Act of the ninth Year of the Reign of Queen *Anne*, did not particularly enumerate all the ſeveral Pariſhes, out of which the Fee-farm Rents, mentioned in the ſaid Particular, are iſſuing.

The Inſtrument of the ſaid Oath, ſubſcribed by the ſitting Member, was produced by the Sheriff, who took the ſame, and read.

And that Part of the ſaid Rental or Particular which deſcribes the Fee-farm Rents, was read.

And 9 *Ann c.* 5. *ſ.* 1, 2, 3, 4, and 5 were read.

And the Counſel for the ſitting Member was heard.

And one of the Counſel for the Petitioner was heard by way of Reply.

And the Counſel on both Sides were directed to withdraw.

Mr.

Mr. *Clarke* was heard in his Place, and then he withdrew.

16. *Reſolved*, That *Charles Clarke*,, Eſq; is duly elected a Knight of the Shire to ſerve in this preſent Parliament, for the County of *Huntingdon*.

Queenborough.

1. *Jovis*, 17 *die Aprilis*, 1729.

Reſolved, That the Right of admitting Burgeſſes of the Borough of *Queenborough*, in the County of *Kent*, is in the Mayor, Jurats, and Bailiffs of the ſaid Borough only.

New-Radnor.

1. *Mercurii*, 12 *die Novembris*, 1690.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *New-Radnor*, is in the Burgeſſes of *Radnor*, *Ryader*, *Knighton*, *Knucklas*, and *Kevenlice* only.

Reading.

1. *Jovis*, 2 *die Decembris*, 1708.

Reſolved, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Reading*, in the County of *Berks*, is in the Freemen and Inhabitants; ſuch Freemen not receiving Alms, and ſuch Inhabitants paying Scot and Lot.

2. *Sabbati*,

2. *Sabbati*, 4 *die Decembris*, 1708.

Reſolved, That ſuch Perſons as have, within two Years laſt, received *Kendrick*'s Charity, or any other annual Charity, diſtributed in the Borough of *Reading*, have not a Right to vote in Elections of Burgeſſes to ſerve in Parliament for the ſaid Borough.

3. *Mercurii*, 30 *die Maii*, 1716.

Reſolved, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Reading*, in the County of *Berks*, is in the Inhabitants only, paying Scot and Lot.

4. *Lunæ*, 19 *die Januarii*, 1740.

On a Hearing.

The laſt Determation of the Houſe, concerning the Right of electing Burgeſſes to ſerve in Parliament for the ſaid Borough, made the thirtieth Day of *May*, One thouſand ſeven hundred and ſixteen, which was then reſolved to be in the Inhabitants, only, paying Scot and Lot, was read.

5. And the ſtanding Order of the Houſe, made the ſixteenth Day of *Janury*, One thouſand ſeven hundred and thirty-five, for reſtraining the Counſel, *&c.* from offering Evidence, *&c.* contrary to the laſt Determination in the Houſe of Commons, was alſo read.

6. Veneris, 23 die Januarii, 1740.

On a farther Hearing.

The Counſel for the Petitioner propoſed to diſqualify ſeveral Perſons who voted for the ſitting Members at the ſaid Election, as being Certificate Men.

And in order to prove that *Michael Hartwell*, one of the ſaid Perſons, was a Certificate Man,

Thomas Houſe, who acts for his Brother, as one of the Overſeers of the Pariſh of St. *Lawrence*, in the Borough of *Reading*, being examined as a Witneſs, produced a Paper, which he called a Certificate, and which, he ſaid, he found in the Cheſt belonging to the ſaid Pariſh, where the publick Writings of the ſaid Pariſh are uſually kept; the ſaid Paper being dated the twenty-ninth Day of *March*, One thouſand ſeven hundred and twenty-eight, and purporting to be a Certificate of the Pariſh Officers of *Woodley*, in the County of *Berks*, and ſigned by two Perſons as Juſtices of the Peace, allowing the ſaid Certificate.

And one of the Counſel for the ſitting Member, having objected to the Admiſſion of that Paper in Evidence, the Hand-Writing of the ſaid Juſtices not being proved,

The Counſel on both Sides were heard, and directed to withdraw.

The Houſe was moved, That the eighth Section of an Act made in the third Year of the Reign of his preſent Majeſty, cap. 29. touching the Proof of Certificates given by the Officers of any Pariſh, or Place, might be read.

And the ſame was read accordingly.

Reſolved, That a Paper, dated the twenty-ninth Day of *March*, One thouſand ſeven hundred and twenty-eight, purporting to be a Certficate from

the Pariſh of *Woodley*, in the County of *Berks*, to the Pariſh of St. *Lawrence*, in the Borough of *Reading*, ſigned by two Perſons as Juſtices of the Peace, allowing the ſaid Certificate, and now produced by *Thomas Houſe*, who acts for his Brother as Overſeer of the Poor of the ſaid Pariſh of St. *Lawrence*, and by him taken out of the Cheſt belonging to the ſaid Pariſh of St. *Lawrence*, where the publick Writings of the ſaid Pariſh are uſually kept, be admitted to be brought up, and read in Evidence, although the Hand-Writing of the ſaid Perſons, who have ſo ſigned the ſaid Certificate, as Juſtices of the Peace, be not proved.

7. Lunæ, 26 die Januarii, 1740.

On a further Hearing.

The Counſel for the Petitioner having propoſed to diſqualify ſeveral Perſons who voted for the ſitting Member, as having received Alms from a Charity called *Kendrick*'s Charity.

The Reſolution of the Houſe of the fourth Day of *December*, in the ſeventh Year of the Reign of Queen *Anne*, made upon Conſideration of the Merits of an Election for the ſaid Borough, was read, whereby it was reſolved, That ſuch Perſons as had, within two Years laſt, received *Kendrick*'s Charity, or any other annual Charity, diſtributed in the ſaid Borough, had not a Right to vote in Elections of Burgeſſes to ſerve in Parliament for the ſaid Borough.

Then the Counſel for the Petitioner examined ſeveral Witneſſes, and produced Evidence, in order to diſqualify ſuch Voters for the ſitting Members as had received a Proportion of that Charity, within two Years before the laſt Election for the ſaid Borough.

Then they examined ſeveral Witneſſes, and produced Evidence, in order to eſtabliſh the Votes of ſeveral Perſons who were rated, and tendered their Votes for the Petitioner, but were rejected by the Mayor, and alſo of ſeveral other Perſons who were propoſed to the Overſeers of Poor, to be put upon the Rates, as fit to be rated, but where rejected by them, and who tendered their Votes for the Petitioner, and were rejected by the Mayor.

8. *Martis, 27 die Januarii,* 1740.

On a further Hearing.

The Counſel for the Petitioner examined ſeveral Witneſſes, in order to prove what Number of Perſons were continually added to the Rates made in the ſeveral Pariſhes within the ſaid Borough, for ſeveral Years before the ſaid Election, and alſo to ſhew who have been Mayors of the ſaid Borough for the Years One thouſand ſeven hundred and thirty-eight, One thouſand ſeven hundred and thirty-nine, One thouſand ſeven hundred and forty, and who have been Overſeers of the ſeveral Pariſhes within the ſaid Borough, for the Years One thouſand ſeven hundred and thirty-nine, and One thouſand ſeven hundred and forty, and for which of the Candidates ſuch Mayors and Overſeers ſeverally voted at the laſt Election.

Then they produced an Order, made at the Quarter Seſſion of the Peace, held for the ſaid Borough, *October* the eleventh, One thouſand ſeven hundred and thirty-four, in order to ſhew, that *Chriſtopher Littlewerth*, who was appointed, by the Mayor, Overſeer of the Poor for the Pariſh of St. *Giles*, within the ſaid Borough, for the Year One thouſand ſeven hundred and forty, was at that Seſ-

ſion, upon Appeal, diſcharged from Payment to the Rates on account of his Poverty.

And the ſaid Order being read,

They examined ſeveral Witneſſes as to the Behaviour of the laſt Election.

Return.

1. After the Sheriff, Mayor, or other returning Officer has duly held the Election in Obedience to to the Writ or Precept reſpectively, they ought duly to return the ſame, *viz.* the Mayor, his Precept with the Indenture annexed, to the Sheriff; and the Sheriff, his Writ, with its Indenture, and all the Precepts with their Indentures annexed, to the Clerk of the Crown in *Chancery*. See Stat. 8 *H.* 6. *c.* 7. and Stat. 23 *H.* 6. *c.* 15.

By Stat. 7 *Hen.* 4. *c.* 15. after they (*viz. Knights of Shires*) be choſen, the Names of the Perſons ſo choſen (be they preſent or abſent) ſhall be written in an Indenture under the Seals of them that did chooſe them, and tacked to the Writ, which Indenture ſo ſealed and tacked, ſhall be holden for the Sheriff's Return.

2. *Sabbati*, 12 *die Aprilis* 1690.

Reſolved, That after the Return made into the *Crown Office* of Members to ſerve in Parliament, the ſame ſhall not be altered by the Sheriff, or Clerk of the Crown, or any other, but by this Houſe.

3 *Martis*, 24 *die Februarii*, 1701.

Reſolved, That Mr. *Abraham Owen*, one of the Sheriffs of the City of *Coventry*, is guilty of a falſe and double Return, and of divers indirect Practices in the late Election for the City of *Coventry*.

The like Reſolution paſſed againſt Mr. John Collins, *the other Sheriff of* Coventry; *and they both were ordered into Cuſtody; as was alſo their Under-ſheriff,* &c.

Sabbati, 28 die Martii, 1702.

4. The Serjeant at Arms being called upon to give the Houſe an Account of what he had done in relation to the apprehending of the Perſons at *Coventry*, ordered to be taken into Cuſtody, he acquainted the Houſe, that he having ſent his Meſſenger with a Warrant to *Coventry*, he was informed that ſome Perſon had gone Poſt before his Meſſenger, and given them Notice (though he got thither by the next Day at Noon) upon which they fled and abſconded; and that his Meſſenger having taken one *Edward Boſworth* (of the City of *Coventry*) to his Aſſiſtance, the ſaid *Boſworth* was threatened for what he did, by Mr. *Edward Owen*, Alderman of the ſaid City; and that the ſaid *Boſworth* attended, to give the Houſe an Account thereof.

And the ſaid *Boſworth* was called in, and examined.

Reſolved, That Mr. *Edward Owen* (Alderman of *Coventry*) is guilty of a Breach of the Privilege of this Houſe, and Contempt againſt the ſame, by uſing threatening Language againſt the Perſon that aſſiſted the Serjeant in Execution of the Orders of this Houſe.

5. *Ordered*, That the ſaid Mr. *Edward Owen* be, for his ſaid Crime, taken into Cuſtody.

The Serjeant being called upon to give the Houſe an Account of what he had done in Execution of the Order for the apprehending of *Thomas Colepeper*, Eſq; he acquainted the Houſe, that diligent Search had been made after him, but that he was fled or abſconded.

6. *Reſolved*,

6. *Reſolved* That *Thomas Colepeper*, Eſq; having been guilty of many ſcandalous and indirect Practices, and in Contempt of the Juſtice of this Houſe, hath abſconded, that an humble Addreſs be preſented to her Majeſty, that ſhe will be pleaſed to iſſue forth her Royal Proclamation for apprehending the ſaid Mr. *Colepeper*.

7. *Reſolved*, That Mr. *Abraham Owen*, one of the Sheriffs of the City of *Coventry*, having been guilty of a falſe and Double Return for the City of *Coventry*, and divers indirect Practices, and in Contempt of the Juſtice of this Houſe, having abſconded, that an humble Addreſs be preſented to her Majeſty, that ſhe will be pleaſed to iſſue forth her Royal Proclamation for apprehending the ſaid Mr. *Owen*.

8. *The like Reſolutions were paſſed touching the other Sheriff of* Coventry, *and the Under-ſheriff, ſeverally.*

Ordered, That the ſaid Addreſſes be preſented to her Majeſty by ſuch Members of this Houſe as are of her Majeſty's moſt honourable Privy-council.

9. *Veneris*, 6 *die Novembris*, 1702.

Mr. *Burnell*, the High-ſheriff of the County of *Nottingham*, and Mr. *Simon Jackſon*, his Under-ſheriff, attending, (according to Order) the High-ſheriff was called in, and examined, touching the not making a Return of the Writ for the electing the Members to ſerve in this preſent Parliament for the ſaid County; and he acquainted the Houſe, that he did not meddle with the Execution or Return of the ſaid Writ, nor ever had it in his Poſſeſſion; but left it wholly to his Under-ſheriff; and then he withdrew.

Afterwards the Under-ſheriff was called in and examined; and then he withdrew.

Ordered, That Mr. *Burnell*, the High-ſheriff of the County of *Nottingham*, be diſcharged out of Cuſtody.

10. *Ordered*, That Mr. *Samuel Jackſon*, Under-ſheriff of the County of *Nottingham*, for keeping back the Return of the Writ for chooſing of the Members of the ſaid County, be taken into Cuſtody.

11. *Martis*, 10 *die Novembris*, 1702.

Mr. *Edward Holland*, the High-ſheriff of the County of *Merioneth*, was (according to Order) brought to the Bar, and examined touching his not making the Return of the Writ for the electing of a Knight of the ſaid County. And he acquainted the Houſe, that it was a Surpriſe to him to find it was not returned; he having executed the Writ, and made the Return, and delivered it to his Under-ſheriff to bring up, who brought the ſame up with him.

And then he withdrew.

And Mr. *Robert Nanny*, the Under-ſheriff, attending, he was called in, and examined; who acquainted the Houſe, that there being but one Member to be returned, he being a young Man, kept the Writ and Return by him, deſigning to ſend it up by the Member; but that he did not come up, in regard his Lady was ill.

And then he withdrew.

Ordered, That the ſaid Mr. *Holland* be diſcharged out of the Cuſtody of the Serjeant at Arms.

12. Then a Motion being made, and the Queſtion being put, that Mr. *Robert Nanny*, the Under-ſheriff of the County of *Merioneth*, for neglecting to return the Writ, for electing the Member for the ſaid County, be taken into Cuſtody,

It paſſed in the Negative.

12. *Ve-*

13. *Veneris*, 18 *die Januarii*, 1722.

Hugh Baillie, *and ſeveral others of* Scotland, *who on the twenty-third of* October *were ordered to attend for acting as Returning-Officers*, &c. *were now ordered into Cuſtody; as was alſo the Sheriff-depute for the Shire of* Fife, *for accepting and returning an Indenture of Return not made by the proper Officer of the Diſtrict of Burghs.*

Richmond.

1. *Sabbati*, 9 *die Martii*, 1727.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Richmond*, in the County of *York*, is in ſuch Perſons only as are Owners of Ancient Burgages in the ſaid Borough, having a Right of Paſture in a Common Field called *Whitcliffe Paſture.*

Riots.

1. *Martis*, 10 *die Novembris*, 1702.

Reſolved, That there was a great Tumult and Riot at the Election of Burgeſſes to ſerve in Parliament for the Borough of *Southwark*, in the County of *Surry.*

2. *Reſolved*, That the ſaid Tumult and Riot was committed by the Servants and Agents of *Charles Cox*, and *John Cholmley*, Eſqrs.

3. *The next Reſolution is as to the Right of electing*; which ſee under **Southwark.**

4. *Reſolved*, That *Charles Cox*, Eſq; is not duly elected a Burgeſs to ſerve in Parliament for the ſaid Borough of *Southwark.*

5. *Re-*

5. *Reſolved*, That *John Cholmley*, Eſq; is not duly elected a Burgeſs to ſerve in Parliament for the ſaid Borough of *Southwark*.

6. *Reſolved*, That the late Election of Burgeſſes to ſerve in Parliament for the ſaid Borough of *Southwark*, is a void Election.

7. *Ordered*, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown to make out a new Writ for the electing two Burgeſſes to ſerve in this preſent Parliament for the ſaid Borough of *Southwark*, in the Room of the ſaid *Charles Cox*, Eſq; and *John Cholmley*, Eſq; whoſe Elections are declared to be void.

Mercurii, 5 die Februarii, 1706.

8. *Reſolved*, That the late Election of Citizens to ſerve in Parliament for the City of *Coventry*, is a void Election.

9. *Reſolved*, That it appears to this Houſe, that there hath been a notorious Riot and Tumult, and other illegal Practices at the Election of Citizens to ſerve in this preſent Parliament for the City of *Coventry*, in Contempt of the civil Authority, and in violation of the Freedom of Elections.

Martis, 6 die Novembris, 1722.

10. *Reſolved*, That it appears to this Houſe, that there were notorious and outrageous Riots and Tumults at the late Election of Citizens to ſerve in Parliament for the City of *Weſtminſter*, in Defiance of the Laws of this Realm, and in violation of the Freedom of Elections.

11. Then the Queſtion being put, that *Archibald Hutcheſon*, Eſq; is duly elected a Citizen to ſerve

ſerve in this preſent Parliament for the City of *Weſtminſter*,

It paſſed in the Negative.

12. The Queſtion being put, that *John Cotton*, Eſq; is duly elected a Citizen to ſerve in this preſent Parliament for the City of *Weſtminſter*,

It paſſed in the Negative.

13. *Reſolved*, That the late Election of Citizens to ſerve in Parliament for the City of *Weſtminſter*, is a void Election.

14. *Martis*, 20 *die Novembris*, 1722.

Reſolved, That it appears to this Houſe, that there were notorious and outrageous Riots, Tumults, and Seditions, at the late Election of Citizens to ſerve in Parliament for the City of *Coventry*, in Defiance of the Civil Authority, and in violation of the Freedom of Elections, cauſed by the Agents and Friends of the Petitioners, who were the Authors, Contrivers, and Promoters of the ſaid Riots, Tumults, and Seditions.

15. The Queſtion being put, That Sir *Adolphus Oughton*, Knight and Baronet, is duly elected a Citizen to ſerve in this preſent Parliament for the City of *Coventry*.

It paſſed in the Negative.

16. The Queſtion being put, that *John Neale*, Eſq; is duly elected a Citizen to ſerve in this preſent Parliament for the City of *Coventry*.

It paſſed in the Negative.

17. *Reſolved*, That the late Election of Citizens to ſerve in Parliament for the City of *Coventry* is a void Election.

18. *Reſolved*, That it appears to this Houſe that *Charles Buggs* was one of the principal Contrivers and Promoters of the Riots, Tumults, and Seditions

tions at the late Election of Citizens to ſerve in Parliament for the City of *Coventry*.

19. *And* Charles Buggs *was ordered into Cuſtody.*

20. *The like Votes and Orders ſeverally upon* George Newcombe, William Wells, *Sir* Thomas Grey, *Knight*, *Mr.* Thomas Kimberley, *Mr.* Thomas Wright, *Mr.* George Aldridge, *and* Benjamin Holden.

Martis, 22 *die Martii*, 1736.

21. *On a Hearing for* Coventry.

The Counſel for the Petitioner produced Evidence touching a Riot at the Time of the Election, which occaſioned a Diſcontinuance of the Poll.

And the Counſel for the ſitting Member was heard, and having denied that the Magiſtrates of the ſaid City, or the ſitting Member occaſioned the ſaid Riot, acquainted the Houſe, that he was not inſtructed to oppoſe the Evidence produced by the Counſel for the Petitioner.

Mr. *Neale* was heard in his Place.

Reſolved, That it appears to this Houſe, that there was a great Riot and Tumult at the late Election of a Citizen to ſerve in this preſent Parliament for the City of *Coventry*, in violation of the Freedom of Elections.

22.—The Queſtion being put that *John Neale*, Eſq; is duly elected a Citizen to ſerve in this preſent Parliament for the City of *Coventry*,

It paſſed in the Negative.

23. *Reſolved*, That the late Election of a Citizen to ſerve in this preſent Parliament for the City of *Coventry*, is a void Election.

Rye.

Sabbati, 29 die Decembris, 1702.

1. *Reſolved*, That the Right of Election of Barons to ſerve in Parliament for the Port of *Rye*, is only in the Mayor, Jurats, and in the Freemen inhabiting in the ſaid Port, and paying Scot and Lot.

Sabbati, 17 die Februarii, 1710.

2. *Reſolved*, That *Thomas Hills*, *W. W.* *T. B.* and *J. Y.* having been propoſed to be made Free, and rejected at a Court of Aſſembly, and afterwards made Free in the ſame Mayoralty, are not legal Freemen of the Port of *Rye*.

3. *Reſolved*, That it is not neceſſary the Freemen of the Port of *Rye* ſhould qualify themſelves according to the Corporation Act, before they be allowed to vote in the Aſſembly-Court of the ſaid Port.

Sandwich.

1 Veneris, 31 die Octobris, 1690.

Reſolved by the Committee, That the Freemen of the Port of *Sandwich*, inhabiting within the ſaid Port (although they receive Alms) have a Right to vote in electing Barons to ſerve in Parliament.

This Reſolution being read a ſecond Time, and the Queſtion being put, that the Houſe do agree with the Committee in the ſaid Reſolution,

It paſſed in the Negative.

Scar-

Scarborough.

Mercurii, 21 *die Aprilis*, 1736.

1 *Reſolved*, *(by the Committee)* That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Scarborough*, in the County of *York*, is in the Common Houſe, or Common-council of the ſaid Borough, conſiſting of two Bailiffs, two Coroners, four Chamberlains, and thirty-ſix Burgeſſes only.

Agreed to by the Houſe.

Jovis, 15 *die Novembris*, 1770.

2. *Memorandum.* The following Notices were ſent to Sir *James Pennyman*, Baronet, and *Ralph Bell*, Eſq; in purſuance of the Directions of 10 *Geo.* 3. *c.* 16.

Ordered, That Sir *James Pennyman*, Baronet, do, by himſelf, his Counſel, or Agent, attend this Houſe upon this Day Fortnight, at Two of the Clock in the Afternoon.

J. Hatſell. Cl. Dom. Com.

Sir *James Pennyman*, Baronet, having this Day preſented his Petition, complaining that at the laſt Election of a Burgeſs to ſerve in Parliament for the Borough of *Scarborough*, in the County of *York*, which began on *Wedneſday* the 11th Day of *July* laſt, the Petitioner and *Ralph Bell*, Eſq; were Candidates, and that the ſaid *Ralph Bell* was then incapable of being elected to ſerve in Parliament; and that the Petitioner was at the ſaid Election duly choſen by a Majority of legal Votes, and ought to have been ſolely returned by *Francis Coulſon* and *John Trvis*, Eſquires, the then Bailiffs and Returning

turning Officers of the ſaid Borough; nevertheleſs, the ſaid Bailiffs having illegally received divers Votes for the ſaid *Ralph Bell*, from Perſons who had no Right to vote in the ſaid Election, returned the ſaid *Ralph Bell*, and alſo the Petitioner, as duly elected for the ſaid Borough, contrary to the Law requiring fair and free Elections, in violation of the Rights of the Electors, and to the great Injury of the Petitioner; and the Houſe having appointed this Day Fortnight, at Two of the Clock, to take the ſaid Petition into Conſideration; you are therefore to take Notice, That the Houſe will at that Time take the ſame Petition into Conſideration. Given under my Hand this 15th Day of *November*, 1770.

Fl. Norton, Speaker.

To Sir James Pennyman, *Baronet:*

The like Notice to *Ralph Bell*, Eſquire.

Scotland.

1. *Martii*, 19 *die Januarii*, 1741.

It appearing from the ſaid Double Return with which the Clerk of the Crown attended according to order, That the Indenture of Return of the Honourable *Alexander Hume Campbell*, Eſq; was immediately annexed to the Writ.

The Counſel for the Honourable *Alexander Hume Campbell*, Eſq; were firſt heard.

Reſolved, That the Court be called in, and directed to proceed according to the Reſolution of this Houſe of the eleventh of *May*, One thouſand ſeven hundred and thirty-three, which Reſolution is, That the Right of Election of a *Præſes* and Clerk, is in ſuch Perſons as ſtand upon the Roll laſt made up

up by the Freeholders at the *Michaelmas* Head Court, or at the laſt Election of a Member to ſerve in Parliament.

Reſolved, That *David Home* of *Wedderburn*, Sheriff deputy for the Shire of *Berwick*, having accepted and returned to the Clerk of the Crown in Chancery, an Indenture of Return of a Commiſſioner to ſerve in this preſent Parliament for the Shire of *Berwick*, not being ſigned by the proper Clerk, has acted arbitrarily and illegally, in Defiance of the Laws of the Land, and in Breach of the Privileges of this Houſe.

Ordered, That the ſaid *David Home* be for his ſaid Offence, taken into the Cuſtody of the Serjeant at Arms attending this Houſe.

2. *Lunæ*, 25 *die Januarii*, 1741.

The Houſe being informed, That the Honourable *James Carmichael*, Eſq; who is returned in the Double Return for the Diſtrict of Burghs of *Peebles*, *Linlithgow*, *Lanerk* and *Selkirk*, petitioned complaining thereof, and of the Election for the ſaid Diſtrict of Burghs, deſires to withdraw his Petition, and not to conteſt the Matter of the ſaid Election and Return with *John Mackye* of *Palgown*, Eſq; returned alſo in the ſaid Double Return;

Ordered, That Mr. *Carmichael* be at liberty to withdraw his ſaid Petition.

The Houſe being thereupon alſo informed that *John Mackye*, Eſq; who is returned in the ſaid Double Return, and petitioned complaining thereof, and of the Election for the ſaid Diſtrict of Burghs, deſires to withdraw his Petition.

Ordered, That Mr. *Mackye* be at liberty to withdraw his ſaid Petition.

Ordered,

Ordered, That the Order made upon the fourteenth Day of *December* laſt, for hearing the Matter of the ſaid Petitions, and of the ſaid Double Return, at the Bar of this Houſe, be diſcharged.

Ordered, That the Clerk of the Crown do attend this Houſe immediately, to amend the Return for the Diſtrict of Burghs of *Peebles*, *Linlithgow*, *Lanerk*, and *Selkirk*, by razing out the Name of the Honourable *James Carmichael*, Eſq;

And he attended accordingly with the ſaid Double Return.

And Notice being taken, that ſome other Parts of the Indenture of the ſaid Double Return, did relate alſo to the Return of the ſaid Mr. *Carmichael*.

Ordered, That the Clerk of the Crown do likewiſe raze out whatever Parts of the ſaid Indenture relate to the Return of the ſaid Mr. *Carmichael*.

And he amended the ſaid Return accordingly.

3. *Mercurii*, 27 *die Januarii*, 1741.

The Houſe being informed, that *James Fall*, Eſq; who is returned in the Double Return for the Diſtrict of Burghs of *Dunbar*, *North-Berwick*, *Haddington*, *Lauder*, and *Jedburgh*, and petitioned complaining thereof, and of the Election for the ſaid Diſtrict of Burghs, deſires to withdraw his Petition, and not to conteſt the Matter of the ſaid Election and Return with Sir *Hew Dalrymple*, Baronet, returned alſo in the ſaid Double Return;

Ordered, That Mr. *Fall* be at liberty to withdraw his ſaid Petition.

The Houſe being thereupon alſo informed, that Sir *Hew Dalrymple*, Baronet, who is returned in the ſaid Double Return, and petitioned complaining thereof, and of the Election for the ſaid Diſtrict of Burghs, deſires to withdraw his Petition.

Ordered, That Sir *Hew Dalrymple*, Baronet, be at Liberty to withdraw his ſaid Petition.

The Houſe being thereupon likewiſe informed, that the Magiſtrates and Town-council of the Borough of *Haddington*, and alſo the Magiſtrates and Town-council of the Borough of *North Berwick*, and alſo that the Magiſtrates and Town-council for the Borough of *Lauder*, who ſeverally petitioned, complaining of the ſaid Election and Double Return, deſire to withdraw their ſaid Petitions;

Ordered, That the Magiſtrates and Town-council of the Borough of *Haddington*, be at liberty to withdraw their ſaid Petition.

Ordered, That the Magiſtrates and Town-council of the Borough of *North Berwick*, be at liberty to withdraw their ſaid Petition.

Ordered, That the Magiſtrates and Town-council of the Borough of *Lauder*, be at liberty to withdraw their ſaid Petition.

Ordered, That the Committee of Privileges and Elections be diſcharged from proceeding upon the Matter of the ſaid ſeveral Petitions, and of the ſaid Double Return.

Ordered, That the Clerk of the Crown do attend this Houſe immediately to amend the Return for the Diſtrict of the Burghs of *Dunbar*, *North Berwick*, *Haddington*, *Lauder*, and *Jedburgh*, by taking off the File the Indenture, by which the ſaid *James Fall*, Eſq; is returned a Commiſſioner to ſerve in this preſent Parliament for the ſaid Diſtrict of Burghs.

And he attended accordingly, and amended the ſaid Return.

Seaford.

1. 10 *die Februarii*, 1670.

Reſolved, Not only that the Bailiff, Jurors, and Freemen of the Town and Port of *Seaford*, in the County of *Suſſex*, had no Voices in the Election, but alſo that the Election was in the Populacy.

2. *Jovis*, 10 *die Decembris*, 1761.

Reſolved, To refuſe the Admiſſion of Evidence, in order to ſhew, that in the above Determinations of the Houſe, the Words, "Bailiff, Jurors, and Freemen," mean ſuch Bailiff, Jurors, and Freemen only, as are reſident within the ſaid Town and Port.

3. *Martis*, 15 *die Decembris*, 1761.

Reſolved, That the Words "*Populacy*," in the above Determination, extends only to the Inhabitants, Houſekeepers of the ſaid Town and Port, paying Scot and Lot.

Shaftesbury.

1. *Sabbati*, 29 *die Februarii*, 1695.

Reſolved, That the Right of electing Members to ſerve in Parliament, for the Borough of *Shafteſbury*, (in *Com. Dorſet*) is not only in the Mayor and Burgeſſes of the ſaid Borough.

2. *Reſolved*, That the Right of electing Members to ſerve in Parliament for the ſaid Borough of *Shafteſbury*, is only in the Inhabitants of the ſaid Borough, paying Scot and Lot.

Shrewsbury.

1. *Martis*, 20 *die Decembris*, 1709.

Reſolved, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Shrewsbury*, in the County of *Salop*, is only in the Burgeſſes inhabiting within the ſaid Borough, or in the Suburbs thereof, paying Scot and Lot, and not receiving Alms or Charity.

2. *Jovis*, 27 *die Maii*, 1714.

Reſolved, That the Right of electing of Burgeſſes to ſerve in Parliament for the Borough of *Shrewsbury*, in the County of *Salop*, is in the Mayor, Aldermen, and Burgeſſes of the ſaid Borough.

3. The Petition of *John Powel*, *Robert Pearſon*, *&c.* and ſeveral others, whoſe Names are ſubſcribed thereto, being Burgeſſes of, and inhabiting in the Town of *Shrewsbury*, being read;

Reſolved, That the ſaid Petition, complaining of an undue Election and Return of *Edward Creſſett*, for the ſaid Borough of *Shrewsbury*, is frivolous, vexatious and ſcandalous.

4. *Ordered*, That the ſaid Petitioners do make Satisfaction to the ſaid Mr. *Creſſet*, for his Coſts and Expences.

5. *Martis*, 9 *die Aprilis*, 1723.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Shrewsbury*, in the County of *Salop*, is only in the Burgeſſes inhabiting in the ſaid Borough, or in the Suburbs thereof, paying Scot and Lot, and not receiving Alms or Charity.

6. *Reſolved*,

6. *Reſolved*, That the whole Pariſhes of St. *Chad*, St. *Mary*, St. *Alkmond*, St. *Julian*, the *Holy Croſs*, and St. *Giles*, and the ſeveral Vills of *Hadnall*, *Acton-Reynold*, *Meriden*, *Hanwood*, *Grinſell*, *Ollerton*, *Onſlow*, *Preſton*, *Gubald*, *Pimley*, and *Merival*, are not within the Borough of *Shrewſbury*, or the Suburbs thereof.

7 *Reſolved*, That the ſeveral Vills of *Bicton*, *Betton*, *Alkmear*, *Lengwar*, *Calcot*, *Whitley*, *Whelback*, *Upper* and *Lower Roſſal*, *Sbelton Oxon*, *Woodcot*, *Horton*, *Munkmeal*, and *Gooſehill*, in the Pariſh of St. *Chad*'s; *Great and Little Berwick*, *Almond-Park*, *Newton*, *Albright-Huſley*, *Cotton-Hill*, *Leaton*, *Aſley*, *Merrington*, *Wollaſcot*, *Sanſaw*, and *Clive*, in the Pariſh of St. *Mary*, *Hencot*, *Albright-Lee*, *Preſton-Montford*, *Dintle*, and *Arleſcot*, in the Pariſh of St. *Alkmond*; and *Pully* and *Shelton*, in the Pariſh of St. *Julian*; are not Part of the ancient Borough of *Shrewsbury*, or the Suburbs thereof.

8. *Reſolved*, That the Pariſh of *Holy-Croſs* and St. *Giles* is not Part of the antient Borough of *Shrewsbury*, or the Suburbs thereof.

Southampton.

1. *Martis*, 31 *die Decembris*, 1689.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Town and County of the Town of *Southampton*, is in the Burgeſſes and Inhabitants of the ſaid Town.

Martis, 17 *die Martii*, 1695.

2. *Reſolved*, That the outliving Burgeſſes, as well as the Burgeſſes, Inhabitants, and other Inhabitants, paying Scot and Lot, have a Right to vote

for electing Members to ſerve in Parliament, for the Town and County of the Town of *Southampton.*

3. *Veneris*, 31 *die Januarii*, 1734.

The Deputy-clerk of the Crown attending (according to Order) with the Return for the Town and County of the Town of *Southampton.*

The Writ directed to the Sheriff of the ſaid Town, was read.

And Notice being taken, that the Precept of the ſaid Sheriff was not annexed to the ſaid Writ.

And the Houſe being informed, that the Deputy-clerk of the Crown had received a Letter, with the ſaid Precept incloſed;

He delivered the ſame in at the Table.

And the ſaid Letter, directed to the ſaid Deputy-clerk of the Crown, ſubſcribed by *Joſeph Moyle*, dated *Southampton*, *January* thirty, One thouſand ſeven hundred and thirty-four, and certified under the Hands of the ſaid Sheriff and his Under-ſheriff, to be written by their Requeſt, intimating, that the ſaid Precept was omitted by the Under-ſheriff; and deſiring the ſaid Deputy-clerk of the Crown immediately to annex it to the two Returns and the Writ, before he laid it before the Houſe of Commons; was alſo read.

And the ſaid Precept, directed to the Mayor and Bailiffs of the ſaid Town, and commanding them and every one of them, jointly and ſeverally, to cauſe two Burgeſſes to be elected, with the indorſed Receipt of the ſaid Precept, ſigned by the ſaid Mayor and Bailiffs, was alſo read.

And the Return of Sir *William Heathcote*, Bart. and *Anthony Henley*, Eſq; by Indenture under the Hands and Seals of *Arthur Bracebridge*, Eſq; Mayor of the ſaid Town, and *Arthur Atherley* the younger, Gent. one of the Bailiffs of the ſaid Town, and

ſeveral

ſeveral Burgeſſes and Inhabitants thereof, annexed to the ſaid Writ, was alſo read.

And the Return of Sir *William Heathcote*, Bart. and *John Conduitt*, Eſq; by Indenture under the Hands and Seals of *Joſeph Ward*, Gent. one of the Bailiffs of the ſaid Town; and ſeveral other Burgeſſes and Inhabitants thereof, annexed likewiſe to the ſaid Writ, was alſo read.

And a Motion being made, and the Queſtion being put, that the Deputy-clerk of the Crown do attend this Houſe upon this Day fortnight with the Return for the Town and County of the Town of *Southampton*.

It paſſed in the Negative.

4. Afterwards, Mr. *Conduitt* and Mr. *Henley* ſeverally petitioned.

Jovis, 3 die Aprilis, 1735.

5. *Reſolved*, That the Mayor and Bailiff of the Town and County of the Town of *Southampton*, are the Returning Officers for the ſaid Town and County.

Southwark.

1. *Martis, 10 die Novembris, 1702.*

Reſolved, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Southwark*, in the County of *Surry*, is only in the Inhabitants thereof paying Scot and Lot.

2. *Martis, 29 die Junii, 1714.*

On the further Hearing of the Merits of the Election for the Borough of *Southwark*, in the County of *Surry*, *&c.*

A Motion being made, and the Queſtion being put, that the Perſons inhabiting in the *Mint*, or Rules of the *Queen's Bench*, in the Borough of *Southwark*, and paying a Rent of ten Pounds *per Annum*, or upwards, have a Right to vote for Members to ſerve in Parliament for the ſaid Borough of *Southwark*, though they do not pay Scot and Lot within the ſaid Borough.

It paſſed in the Negative.

3. *Martis*, 10 *die Februarii*, 1735.

On a Hearing for Southwark.

The ſtanding Order of the ſixteenth of *January* laſt (*for which ſee Title* Evidence) was read; And

The laſt Determination of the (*ſupra Martis*, 10 *die Novembris*, One thouſand ſeven hundred and two) was read.

See more of this Hearing under Title Evidence.

Martis, 14 *die Martii*, 1769.

1. *Reſolved*, That the Counſel for the Petitioner be not admitted to examine a Witneſs to prove his having received a Bribe, to give his Vote for the ſitting Member, the ſaid Witneſs having, at the Time of Election, taken the Oath, which by Stat. 2 *G.* 2. *c.* 24. is appointed, if demanded to be taken by Perſons having, or claiming to have a Right to vote at Elections of Members to ſerve for the Commons in Parliament.

2. *Reſolved*, That the Petition of *William Belchier*, Eſq; complaining of an undue Election and Return of Sir *Joſeph Mawbey*, Bart. for the Borough of *Southwark*, in the County of *Surry*, is vexatious, frivolous, and groundleſs.

3. *Ordered*, That *William Belchier* Eſq; having preferred the ſaid Petition, do make Satisfaction

to

to the ſaid Sir *Joſeph Mawbey*, for the Coſts and Expences he hath been put unto.

Stafford.

Jovis, 25 *die Januarii*, 1710.

1. *Reſolved*, That the Sons of Burgeſſes and thoſe who ſerved Apprentices ſeven Years in the Borough of *Stafford*, have a Right (upon Demand thereof) to be made Burgeſſes of the ſaid Borough.

2. *Martis*, 27 *die Novembris*, 1722.

Reſolved, *Nemine contradicente*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Stafford*, in the County of *Stafford*, is in the Mayor, Aldermen, and Burgeſſes reſiant within the ſaid Borough.

3. *Jovis*, 4 *die Februarii*, 1734.

Reſolved, That Perſons made Burgeſſes of the Borough of *Stafford*, in the County of *Stafford*, ſince the Death of *John Dolphin*, Eſq; late Member of Parliament for the ſaid Borough (not being Sons of Burgeſſes, or not having ſerved ſeven Years Apprenticeſhip within the ſaid Borough) had not a Right to vote in the late Election of a Burgeſs to ſerve in this preſent Parliament for the ſaid Borough.

Stamford.

1. *Lunæ*, 8 *die Martii*, 1735.

Reſolved, that the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Stamford*,

Stamford, in the County of *Lincoln*, is in the Inhabitants paying Scot and Lot, and not receiving Alms or publick Charities.

Sudbury.

1. *Martis*, 19 *die Januarii*, 1702.

Reſolved, That the Sons of Freemen, born after their Fathers were made Free, and thoſe that have ſerved Apprenticeſhips in the Borough of *Sudbury*, in the County of *Suffolk*, have a Right to vote in the Election of Members to ſerve in Parliament for the ſaid Borough, without any Admiſſion in Form to their Freedom, or taking the Oath of Freemen.

2. *Reſolved*, That it appears to this Houſe, that *Benjamin Carter*, late Mayor of the Borough of *Sudbury*, in the County of *Suffolk*, was, at the laſt Election of Burgeſſes to ſerve in Parliament for the ſaid Borough, guilty of great Violence and many indirect Practices, contrary to the Rights and Privileges of this Houſe.

3. *Ordered*, That the ſaid *Benjamin Carter* be, for his ſaid Offence, taken into the Cuſtody of the Serjeant at Arms attending this Houſe.

Lunæ, 6 *die Decembris*, 1703.

4. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Sudbury*, in the County of *Suffolk*, is only in the Sons of Freemen born after their Fathers were made Free, and in ſuch as have ſerved ſeven Years Apprenticeſhip, or are made Freemen by Redemption.

Jovis,

Jovis, 15 *die Februarii*, 1770.

5. *Reſolved*, That *Henry Threlfal*, Eſq; having, as an Elector, ſigned the Petition of the Electors of the Borough of *Sudbury*, preſented to the Houſe in the laſt Seſſions of Parliament, complaining of an undue Election and Return for the ſaid Borough; be not admitted to give Evidence in Support of the ſeveral Accuſations preſented in this Seſſion of Parliament, he not having ſigned the ſame.

6. *Reſolved*, That the Counſel for the Petitioner be not admitted to produce Evidence, to prove, that many of the Perſons who voted for the ſitting Members, at the laſt General Election of the Borough of *Sudbury*, were not legally intitled to vote for Members to ſerve in Parliament, for the ſaid Borough, there being no Allegation in either of the Petitions preſented to this Houſe, to warrant their producing ſuch Evidence.

Sutherland.

1. *Lunæ*, 25 *die Februarii*, 1722.

Reſolved, That the Right of electing a Commiſſioner to ſerve in Parliament for the Shire of *Sutherland*, is in the Heritors, Feuars, Wadſetters, and Life-renters, poſſeſſed of Lands in the ſaid Shire, whether holding of the Crown, or of a Subject.

Tam-

Tamworth.

1. *Veneris*, 17 *die Martii*, 1698.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Tamworth*, is in the Inhabitants paying Scot and Lot, and in ſuch Perſons as have Freeholds within the ſaid Borough, whether reſident in the ſaid Borough, or not.

Martis, 1 *die Decembris*, 1702.

2. The Houſe being informed that there is a new Writ iſſued only to the Sheriff of the County of *Stafford*, for the electing a Burgeſs to ſerve in Parliament for the Borough of *Tamworth*, whereas the Borough is alſo within the County of *Warwick*;

Ordered, That the Clerk of the Crown do make out a *Superſedeas* to the Writ by him lately made out, and directed to the Sheriff of the County of *Stafford* only; and that Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown to make out a Writ directed to the Sheriff of the County of *Warwick*, and another Writ directed to the Sheriff of the County of *Stafford*, for the electing a Burgeſs to ſerve in this preſent Parliament for the ſaid Borough of *Tamworth*.

3. *Mercurii*, 23 *die Januarii*, 1722.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Tamworth*, is in the Inhabitants, being Houſeholders, paying Scot and Lot, and not receiving Alms.

3. *Mercurii, 3 die Februarii, 1762.*

Reſolved, That the Counſel for the Petitioners be reſtrained from giving in Evidence, the Records of two Verdicts found at the Aſſizes for the County of *Warwick*, upon two ſeveral Actions brought upon *Stat.* 2 *G.* 2. *c.* 24. one for corrupting *Thomas Moore*, to vote at the ſaid Election for the ſitting Members; and the other for corrupting *Thomas Domes*, to vote for the ſitting Members.

Taviſtock.

1. *Veneris, 13 die Martii, 1695.*

Reſolved, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Taviſtock*, (in *Com. Devon.*) is in the Freeholders of Inheritance in Poſſeſſion, inhabiting within the ſaid Borough.

2. *Jovis, 4 die Februarii, 1696.*

Reſolved, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Taviſtock*, in the County of *Devon*, is in the Freeholders of Inheritance in Poſſeſſion, inhabiting within the ſaid Borough, who have been or ſhall be preſented as ſuch, by the Jury of Enquiry of the ſaid Borough.

3. *Martis, 19 die Januarii, 1702.*

Reſolved, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Taviſtock*, in the County of *Devon*, is in the Freeholders of Inheritance in Poſſeſſion, inhabiting within the Borough.

Taunton.

Taunton.

1. *Jovis*, 28 *die Julii*, 1715.

Reſolved, that the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Taunton*, in the County of *Somerſet*, is in the Inhabitants within the ſaid Borough, being Pot-wallers, and not receiving Alms or Charity.

2. *Jovis*, 11 *die Auguſti*, 1715.

The Houſe proceeded on the farther hearing the Merits of the Election for the Borough of *Taunton*, and the Counſel on both Sides were called in; and the Petitioner's Counſel inſiſted upon the diſqualifying ſeveral Perſons who voted for the ſitting Members, on account of their having received the Charities called the *Town-Charity* (which is veſted in Feoffees) and *Meredith*'s *Charity*.

And a Book being produced, wherein is entered the Account of the Diſpoſition of the *Town-Charity*, the ſitting Member's Counſel objected to the ſaid Book's being read as Evidence.

Reſolved, That the Account of *Jeffery Pyſing*, Steward and Bailiff of the Lands and Tenements belonging to the Town of *Taunton*, in the County of *Somerſet*, from the twenty-firſt Day of *December*, One thouſand ſeven hundred and thirteen, to the twenty-firſt Day of *December*, One thouſand ſeven hundred and fourteen (inſerted in a Book intitled, *Taunton*; *An Account-Book of the Profits of the Town-Lands, One thouſand ſix hundred and eighty-three*) although not allowed and ſigned by the Feeoffees, be admitted to be read as Evidence.

3. *Sabbati*,

3. *Sabbati*, 27 *die Auguſti*, 1715.

The Houſe proceeded to the farther hearing of the Merits of the Election for the Borough of *Taunton*, and the Counſel on both Sides were called in; and the Counſel for the ſitting Members proceeded to examine Witneſſes to diſqualify ſome of the Voters for the Petitioners upon account of their receiving Charity, particularly as to a Charity called *Saunders*'s *Charity*, and the ſitting Member's Counſel inſiſting to examine as to that Charity, being given in the Year One thouſand ſeven hundred and thirteen, and the Petitioner's Counſel oppoſing their examining as to any Perſons who had not received that Charity within a Year before the Election.

And a Motion being made, and the Queſtion being put, that the Counſel for the ſitting Members be admitted to give Evidence of Perſons having received *Saunders*'s *Charity* before the ſecond of *February*, One thouſand ſeven hundred and thirteen.

It paſſed in the Negative.

Thetford.

1. *Mercurii*, 17 *die Januarii*, 1685.

Reſolved, That the Right of Election for the Borough of *Thetford*, (*in Com. Norfolk*) is the Mayor, Burgeſſes (which are ten) in the Commonalty or Common Council (which are twenty) amounting in the whole to thirty one.

2. *Sabbati*,

2. *Sabbati, 3 die Maii, 1685.*

Reſolved, That the Charter of the ſixteenth of Queen *Elizabeth*, granted to the Borough of *Thetford*, is not duly nor legally ſurrendered. See **Treating.**

Totneſs.

1. *Mercurii, 4 die Martii, 1695.*

Reſolved, That the Perſons made Free by the late King *James*'s Charter to the Borough of *Totneſs* (*in Com. Devon*) have no Right to vote in electing of Members to ſerve in Parliament for the ſaid Borough, by Virtue of ſuch Freedom.

2. *Reſolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the ſaid Borough of *Totneſs*, is in the Freemen not inhabiting, as well as in the Freemen inhabiting within the ſaid Borough of *Totneſs*.

Treating. See Capacity.

1. *Veneris, 26 die Januarii, 1699.*

Reſolved, That *James Sloane*, Eſq; in treating the Corporation of *Thetford* in the County of *Norfolk*, has been guilty of a Breach of the late Act of Parliament for preventing Expences in Elections.

2. Then the Queſtion being put, that *James Sloane*, Eſq; is duly elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Thetford* in the county of *Norfolk*,

It paſſed in the Negative.

3. *Reſolved*, That the ſaid Election is a void Election.

4. *Mr.* Sloane *was re-choſen, and Mr.* Soame *petitioned againſt him.*

5. *Sabbati,*

5. *Sabbati*, 2 *die Martii*, 1699.

The Houſe (according to Order) proceeded to take into Conſideration the Act made in the ſeventh Year of his Majeſty's Reign, for preventing Charge and Expence in Elections of Members to ſerve in Parliament.

And the Petition of *Edward Soame*, Eſq; was read.

And the ſaid Act was read.

And Mr. *Sloane* attending (according to Order) he was heard in his Place;

And then he withdrew.

And a Debate ariſing in the Houſe upon the Conſtruction of the ſaid Act, upon Mr. *Sloane*'s being again choſen and returned for the Borough of *Thetford*.

And the Queſtion being put, that the ſaid Mr. *Sloane* be capable of ſerving in this preſent Parliament for the ſaid Borough;

It paſſed in the Negative.

6. *Sabbati*, 21 *die Novembris*, 1702.

Reſolved, That the Agents of Sir *Iſaac Rebow* have been guilty of treating and other corrupt Practices, in order to procure the ſaid Sir *Iſaac Rebow* to be elected a Burgeſs to ſerve in Parliament for the Borough of *Colcheſter*, in the County of *Eſſex*.

7. *Ordered*, That *John Weely*, Agent for Sir *Iſaac Rebow*, for his corrupt Practices in endeavouring to procure the ſaid Sir *Iſaac Rebow* to be elected a Burgeſs for the ſaid Borough of *Colcheſter* be taken into Cuſtody.

Wallingford.

1. *Jovis*, 15 *die Decembris*, 1709.

Reſolved, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Wallingford*, in the County of *Berks*, is in the Mayor, Aldermen, Bailiffs, and eighteen Aſſiſtants, together with the Inhabitants of the ſaid Borough, paying Scot and Lot, and not receiving Alms or Charity.

Wareham.

19 *die Januarii*, 1747.

1. *Reſolved*, That the Right of Election for the Borough of *Wareham*, in the County of *Dorſet*, is only in the Mayor and Magiſtrates of the ſaid Borough as pay Scot and Lot, and in the Freeholders of Lands or Tenements there, who have been *bona fide*, to their own Uſe, in the actual Occupation, or in the Receipt of the Rents and Profits of ſuch Lands or Tenements, for the Space of one whole Year next before the Election, except the ſame came to ſuch Freeholders by Deſcent, Deviſe, Marriage, Marriage-Settlement, or Promotion to ſome Benefice in the Church.

Warwick.

1. *Sabbati*, 3 *die Maii*, 4 C. 1. 1628.

Reſolved, That the Right of Election for the Town of *Warwick*, is in the Commonalty of the ſaid Town.

2. *Jovis*,

2. *Jovis*, 31 *die Januarii*, 1722.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Warwick*, is in ſuch Perſons only as pay to Church and Poor in the ſaid Borough.

Wells.

1. *Martis*, 18 *die Februarii*, 1695.

Reſolved, That the Right of electing Citizens to ſerve in Parliament for the City of *Wells*, in the County of *Somerſet*, is only in the Mayor, Maſters and Burgeſſes of the ſaid City.

2. *Reſolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the City of *Wells*, in the County of *Somerſet*, is in the Mayor, Maſters and Burgeſſes of the ſaid City.

3. *Reſolved*, that the By-law made by the governing Part of the Corporation of *Wells* in One thouſand ſeven hundred and twelve, pretending to inflict one hundred Pounds Penalty on the Mayor that nominates or makes any Burgeſs, without the Conſent of the major Part of the Corporation, and fifty Pounds Penalty on any Burgeſs that takes the Oath appointed to be taken by the Burgeſſes, or that uſes, claims, or challenges any Freedom or Privilege of a Burgeſs without ſuch Aſſent, is arbitrary and illegal.

4. *Reſolved*, That the Right of Election of Citizens to ſerve in Parliament for the City of *Wells*, in the County of *Somerſet*, is in the Mayor, Maſters, and Burgeſſes of the ſaid City, and in ſuch Perſons as are (by Conſent of the Mayor and Common-Council of the ſaid City) admitted to their Freedom in any of the ſeven trading Companies of the ſaid City, on account of Birth, Servitude, or Marriage.

5. *Veneris*, 18 *die Novembris*, 1729.

Reſolved, That the Right of electing Citizens to ſerve in Parliament for the City of *Wells*, in the County of *Somerſet*, is in the Mayor, Maſters, Burgeſſes and Freemen of the ſaid City, who are admitted to their Freedom in any of the ſeven Companies within the ſaid City, being thereunto intitled by Birth, Servitude, or Marriage.

6. *Martis*, 11 *die Martii*, 1734.

The laſt Determination of the Houſe made the eighteenth Day of *April*, One thouſand ſeven hundred and twenty-nine, concerning the Right of Election of Citizens to ſerve in Parliament for the ſaid City of *Wells*, which is thereby reſolved to be in the Mayor, Maſters, Burgeſſes and Freemen of the ſaid City, who are admitted to their Freedom in any of the ſeven Companies within the ſaid City, being thereunto intitled by Birth, Servitude or Marriage, was read.

And the ſeveral Reſolutions of the Houſe made the thirtieth Day of *May*, One thouſand ſeven hundred and ſixteen, and the ſecond Day of *May*, One thouſand ſeven hundred and twenty-three, concerning the Right of Election of Citizens to ſerve in Parliament for the ſaid City, was read.

And Part of the Report from the Committee of Privileges and Elections, made the eleventh Day of *April*, One thouſand ſeven hundred and ſeventeen, touching the Election of the ſaid City, in relation to the Evidence of *Richard Thomas*, was read.

Reſolved, that the Counſel for the Petitioners be reſtrained from giving Evidence, that it is a neceſſary Qualification of a Burgeſs of the City of *Wells*, that ſuch Perſon previous to his being made

a Burgeſs was a Freeman of the ſaid City, intitled to ſuch Freedom by Birth, Servitude, or Marriage.

7. *Jovis*, 13 *die Martii*, 1737.

On the ſame Election.

A Book of the Company of Hammermen within the ſaid City being delivered in, an Entry wherein was read.

And ſeveral Books of the ſeveral Companies of Taylors, Mercers, Inn-keepers, Stocking-makers, Butchers, and Cordwainers, within the ſaid City, being delivered in, ſeveral Entries in the Book of the Company of Taylors, in relation to the Admiſſion of a Perſon to his Freedom, were read.

8. *Martis*, 18 *die Martii*, 1734.

On the ſame Election.

Reſolved, That *John Joyce*, a Freeman of the City of *Wells*, be admitted to give Evidence as to the Right of the eldeſt ſons of Freemen there to be admitted to the Freedom of the ſaid City.

9. *Jovis*, 20 *die Martii*, 1734.

An Entry in a Book of the Company of Mercers, N°. 1. was read, and a Witneſs was examined in order to prove the Qualification of another Perſon.

10. And an Entry in a Book of the Company of Hammermen was read, and a Witneſs was received, in order to prove the Qualification of another Perſon.

11. And in order to qualify another Perſon named in the ſaid Liſt, as being the eldeſt Son of a Freeman of the ſaid City, an Entry in a Book of the Company of Stocking-makers, was read.

12. N. B. *This Election was determined* Martis, 25 die Martii, 1735, *but there were at that Time no Reſolutions which explain the Rights of Election for that City.*

Lunæ, 20 die Januarii, 1766.

1. *Ordered, Nemine contradicente,* That the Deputy Clerk of the Crown do take off the File, the Indenture of Return of *Peter Taylor*, Eſq; as a Citizen to ſerve in Parliament for the City of *Wells*, in the County of *Somerſet*, ſigned by *William Keate* and others, the ſame not being ſigned by the proper Returning Officer of the ſaid City.

2. *Ordered,* That the Deputy Clerk of the Crown, do annex to the Writ, the Indenture, whereby *Robert Child*, Eſq; is returned as a Citizen to ſerve in Parliament for the ſaid City of *Wells*, under the Common Seal of the ſaid City, and ſigned by *Robert Tudway*, Eſq; he being the Mayor and proper Returning Officer of the ſaid City.

Wendover.

1. *Sabbati, 21 die Novembris,* 1702.

Reſolved, That Perſons coming by Certificate to live in the Borough of *Wendover*, have not thereby a Right to vote for the Election of Members to ſerve in Parliament for the ſaid Borough.

Weobley.

1. *Jovis, 3 die Martii, 1736.*

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Weobley*, in the County of *Hereford*, is in the Inhabitants of the ancient Vote-Houſes of twenty ſhillings *per Annum* Value and upwards, reſiding in the ſaid Houſes forty Days before the Day of Election, and paying Scot and Lot, and alſo in the Owners of ſuch antient Vote-Houſes paying Scot and Lot, who ſhall be reſident in ſuch Houſes at the Time of the Election.

Weſtbury.

1. *Martis, 1 die Decembris, 1702.*

Reſolved, That the Tenants of Burgage-Houſes, by Leaſe for Years abſolute, have a Right to vote in the Election of Members to ſerve in Parliament for the Borough of *Weſtbury*, in the County of *Wilts.*

2. *Lunæ, 28 die Martii, 1715.*

The Clerk of the Crown (according to Order) attended with the Returns for the County of *Wilts.*

The Sheriff's Precept directed to the Mayor of the Borough of *Weſtbury*, in the ſaid County; the Receipt given by the ſaid Mayor for the ſame; and the Return of *Willoughby Bertie* and *Francis Aneſly*, Eſqrs; by Indenture under the common Seal of the ſaid Borough, ſigned by the Mayor; and alſo,

The Return of *George Evans* and *Charles Allanſon*, Eſqrs; by Indenture under the Hands and Seals of *John Turner*, Conſtable of the ſaid Borough, and ſeveral other Burgeſſes, were ſeverally read.

Ordered, That the Clerk of the Crown do take off the File the ſaid Indenture, by which Mr. *Evans* and Mr. *Allanſon* are returned.

3. *Mercurii*, 1 *die Junii*, 1715.

Reſolved, That the Right of Election of Members to ſerve in Parliament for the Borough of *Weſtbury*, in the County of *Wilts*, is in every Tenant of any Burgage-Tenement in Fee, for Life, or ninety-nine Years determinable on Lives, or by Copy of Court Roll, paying a Burgage Rent of Four-pence or Two-pence yearly, being reſident within the Borough, and not receiving Alms.

Weſtminſter.

1. *Lunæ*, 15 *die Novembris*, 1680.

Reſolved, That the King's menial Servants, not having proper Houſes of their own within the City of *Weſtminſter*, have not Right to give Voices in the Election of Citizens to ſerve in Parliament for the ſaid City.

2. *Martis*, 15 *die Decembris*, 1741.

The Houſe proceeded to the Hearing of the Matter of the Petition of the ſeveral Burgeſſes and Inhabitants of the City and Liberty of *Weſtminſter*, whoſe Names are thereunto ſubſcribed in behalf of themſelves, and ſeveral other Burgeſſes and Inhabitants of the ſaid City and Liberty, complaining of an undue Election and Return for ſaid City.

And the Counſel were called in,

And

And directed to withdraw,
And again called in,
And ſaid Petition was read.
And the above Determination of the fifteenth *November*, 1680, was read.

3. *Martis, 22 die Decembris*, 1741.

Reſolved, That Mr. *John Lever*, High Bailiff of the City of *Weſtminſter*, at the laſt Election of Citizens to ſerve in Parliament for the ſaid City, acted at the ſaid Election in an illegal and arbitrary Manner, in prejudice of the Rights of the Electors of the ſaid City, and in manifeſt Violation of the Freedom of Elections.

Ordered, That the ſaid Mr. *John Lever*, be for his ſaid Offence taken into the Cuſtody of the Serjeant at Arms attending this Houſe.

Reſolved, That it appears to this Houſe, that a Body of armed Soldiers, headed by Officers, did on *Friday*, the eighth Day of *May* laſt, come in a Military Manner, and take Poſſeſſion of the Church-yard of St. *Paul's*, *Covent Garden*, near the Place where the Poll (for the Election of Citizens to ſerve in this preſent Parliament for the City of *Weſtminſter*) was taken, before the ſaid Election was ended.

Reſolved, That the Preſence of a regular Body of armed Soldiers, at an Election of Members to ſerve in Parliament, is an high Infringement of the Liberties of the Subjects, a manifeſt Violation of the Freedom of Elections, and an open Defiance of the Laws and Conſtitution of this Kingdom.

Ordered, That *Nathaniel Blackerby*, *George Howard* and *Thomas Lediard*, having been called in, and at the Bar of this Houſe confeſſed, that they did ſend for, and cauſe to come on *Friday* the eighth Day of *May* laſt, a Body of armed Soldiers headed by Officers in a Military Manner, who did take Poſſeſſion of the Church-yard of St. *Paul*, *Covent Garden*

Garden, near the Place where the Poll (for the Election of Citizens to ſerve in this preſent Parliament for the City of *Weſtminſter*) was taken, before the ſaid Election was ended, and the ſaid *Nathaniel Blackerby*, *George Howard*, and *Thomas Lediard*, having acknowledged their Offence therein, do attend this Houſe to-morrow Morning, in order to be brought to the Bar thereof, to be reprimanded on their Knees by Mr. *Speaker*, for the ſaid Offence.

5. *Sabbati*, 23 *die Januarii*, 1741.

Nathaniel Blackerby, *George Howard*, and *Thomas Lediard*, Eſqrs; attending according to Order, were brought to the Bar, and upon their Knees reprimanded by Mr. *Speaker*, as the Houſe had directed, and were ordered to be diſcharged, paying their Fees.

Reſolved, That the Thanks of this Houſe be given to Mr. *Speaker*, for the Speech by him made upon reprimanding the ſaid *Nathaniel Blackerby*, *George Howard*, and *Thomas Lediard*, and that he be deſired to print the ſame.

22 *die Januarii*, 1749.

6. Notice being taken, that no Return had yet been made to the Writ, for electing of a Citizen to ſerve in this preſent Parliament for the City of *Weſtminſter*, in the Room of the Right Honourable *Grenville Leveſon Gower*, Eſq; commonly called Lord Viſcount *Trentham*, (who, ſince his Election for the ſaid City, had accepted the Office of one of the Commiſſioners for executing the Office of Lord High Admiral of *Great Britain*) although the ſaid Writ was ordered upon the ſixteenth Day of *November* laſt, to be made out.

The

The Order made upon the ſixteenth Day of *November*, laſt, for Mr. *Speaker* to iſſue his Warrant to the Clerk of the Crown for making out the ſaid Writ, was read.

Ordered, That the Clerk of the Crown do attend this Houſe to-morrow Morning, to give an account of the iſſuing of the ſaid Writ.

Ordered, That Mr. *John Crawford*, Purſuivant or Meſſenger extraordinary attending the Great Seal, do attend this Houſe to-morrow Morning, to give an account of the ſending of the ſaid Writ to the Sheriff of the County of *Middleſex*.

Ordered, That the under Sheriff of the County of *Middleſex* do attend this Houſe to-morrow Morning, to give an account of the iſſuing of a Precept to the High Bailiff of the City of *Weſtminſter*, in purſuance of the ſaid Writ.

Ordered, That the High Bailiff of the City of *Weſtminſter*, do attend this Houſe to-morrow Morning, to give an account of the Execution of the ſaid Precept.

23 *die Februarii*, 1749.

7. The Deputy-clerk of the Crown (attending according to Order) gave the Houſe an Account of the iſſuing of the Writ for the electing of a Citizen to ſerve in Parliament for the City of *Weſtminſter*, in the Room of the Right Honourable *Grenville Leveſon Gower*, Eſq; commonly called Lord Viſcount *Trentham*, (who, ſince his Election for the ſaid City, had accepted the Office of one of the Commiſſioners for executing the Office of Lord High Admiral of *Great Britain*) which Writ was directed upon the ſixteenth Day of *November* laſt, to be made out.

Mr. *John Crawford*, Purſuivant, or Meſſenger extraordinary attending the Great Seal, attending accor-

according to order, was called in, and at the Bar examined, touching the ſending of the ſaid Writ to the Sheriff of *Middleſex*,

And then withdrew.

The Under-Sheriff of the County of *Middleſex* attending according to order, was called in, and at the Bar examined, touching the iſſuing of a Precept in purſuance of the ſaid Writ.

And then he withdrew.

The High Bailiff of the City of *Weſtminſter* attending according to order, was called in, and being examined at the Bar, acquainted the Houſe that he is now in the Execution of the ſaid Precept, that he had all along endeavoured to avoid all unneceſſary Delay therein; and that, if ſome Delay has happened in the Scrutiny of the Poll (taken at the Election) which he is now proceeding upon, it has been ſuch only as he did not think he had ſufficient Power to prevent or remove.

And then he withdrew.

He was again called in,

And Mr. *Speaker* (by Direction of the Houſe) recommended ſome Particulars of his Duty to him, and acquainted him, that if he met with any Thing to obſtruct him therein, which he could not prevent, he ſhould apply to the Houſe upon it, and might be aſſured of the Support of the Houſe in the Diſcharge of his Duty; and that the Houſe expected he would take Care in general to expedite the Election as much as poſſible.

Upon which he expreſſed his great Readineſs to conform himſelf to the Direction of the Houſe, and ſaid, that he would uſe his beſt Endeavours to expedite the Election, and hoped to perform his Duty in general, to the ſatisfaction of the Houſe.

And then he withdrew.

20 *die Januarii*, 1750.

8. A Petition of the ſeveral Burgeſſes and Inhabitants of the City and Liberty of *Weſtminſter*, whoſe Names are thereunto ſubſcribed, on behalf of themſelves, and ſeveral other Burgeſſes and Inhabitants of the ſaid City and Liberty, was preſented to the Houſe, and read, complaining of an undue Election and Return for the ſaid City of *Weſtminſter*.

Ordered, That the Matter of the ſaid Petition be heard at the Bar of this Houſe upon to-morrow Sevennight, the firſt Day of *February* next.

A Petition of Sir *George Vandeput*, Baronet, was alſo preſented to the Houſe, and read, complaining of an undue Election and Return for the City of *Weſtminſter*.

Ordered, That the Matter of this Petition be heard at the Bar of this Houſe, at the ſame Time that the Matter of the Petition of the ſeveral Burgeſſes and Inhabitants of the City and Liberty of *Weſtminſter*, whoſe Names are thereunto ſubſcribed on behalf of themſelves, and ſeveral other Burgeſſes and Inhabitants of the ſaid City and Liberty, is appointed to be heard.

The Houſe was moved, that the Journal of the Houſe of the twenty-ſecond and twenty-third of *February* laſt, containing the Entry of the Proceedings of the Houſe in relation to the Execution of the Writ which was ordered to be be iſſued upon the ſixteenth Day of *November*, One thouſand ſeven hundred and forty-nine, for the electing of a Citizen to ſerve in this preſent Parliament, for the City of *Weſtminſter*, in the Room of the Right Honourable *Grenville Leveſon Gower*, Eſq; commonly called Lord Viſcount *Trentham*, might be read;

And the ſame being read accordingly,

Ordered,

Ordered, That *Peter Leigh*, Esq; High-bailiff of the City of *Westminster*, do attend this House immediately, in order to give the House an Account of what he did in pursuance of the Directions given to him by this House upon the twenty-third Day of *February* last, in relation to the Execution of the Precept, issued to him in pursuance of the said Writ.

Peter Leigh, Esq; High-bailiff of the City of *Westminster*, attending (according to order) was called in, and examined in relation to what he did in pursuance of the said Directions.

And having, in the Course of his Examination, alledged, that the said Election was protracted by an affected Delay,

He was directed to withdraw.

Resolved, That the High-bailiff of the City of *Westminster* be again called in, and asked by whom it was, that the said Election was protracted, and by what Means.

The High-bailiff of the City of *Westminster* was again called in, and being asked, by whom it was that the said Election was protracted, and by what Means.

He named Mr. *Crowle*.

And having, in the Course of his further Examination, complained of ill Treatment offered to him by several Persons upon account of his Behaviour in relation to the said Election and Return.

He was again directed to withdraw.

He was again called in, and being required to name the Persons from whom he received the ill Treatment of which he had complained.

He named Mr. *Alexander Murray*, and Mr. —— *Gibson*.

And then he again withdrew.

Ordered, That *Richard Crowle*, Esq; do attend this House upon *Thursday* Morning next.

Ordered,

Ordered, That the Honourable *Alexander Murray*, Eſq; do attend this Houſe upon *Thurſday* Morning next.

Ordered, That —— *Gibſon*, Upholder in *Covent-Garden*, do attend this Houſe upon *Thurſday* Morning next.

Ordered, That the High-bailiff of the City of *Weſtminſter* do attend this Houſe upon *Thurſday* Morning next to make good his Charge againſt the ſaid ſeveral Perſons by him named in the Complaint, which he has this Day made to the Houſe, in regard to the Obſtruction he met with in the Execution of his Office.

31 *die Januarii*, 1750.

9 The ſeveral Orders of the Day for the Attendance of *Richard Crowle*, Eſq; the Honourable *Alexander Murray*, Eſq; —— *Gibſon*, Upholder in *Covent-Garden*, and the High-bailiff of the City of *Weſtminſter*, being read.

The High bailiff of the City of *Weſtminſter* was called in, and acquainted, that he might now proceed to make good his Charge againſt the ſeveral Perſons by him named, to the Houſe on *Monday* laſt.

And *Richard Crowle*, Eſq; one of the ſaid Perſons, was called in.

And the High-bailiff proceeded to ſtate his Charge againſt the ſaid Mr. *Crowle*;

And Mr. *Crowle*, was heard to the ſaid Charge.

And the High-bailiff having been heard to what had been alledged by Mr. *Crowle*, they were both directed to withdraw.

Reſolved, That the High-bailiff of the City *Weſtminſter* be again called in, and directed to produce his Evidence upon his Charge againſt *Richard Crowle*, Eſq;

The High-bailiff and Mr. *Crowle* were again called in.

And the High-bailiff examined ſeveral Witneſſes in ſupport of the ſaid Charge.

And Mr. *Crowle* was heard, and examined a Witneſs in anſwer to the ſaid Charge.

And the High-bailiff was heard by way of Reply;

And then they were directed to withdraw.

Reſolved, That it appears to this Houſe that *Richard Crowle*, Eſq; during the late Scrutiny of the Poll, for the City of *Weſtminſter*, after he had full Notice of the Orders of this Houſe given to the High-bailiff of the ſaid City to expedite the ſaid Scrutiny, did wilfully and deſignedly protract the ſame; and when he was reminded of the ſaid Orders by the High-bailiff, did publickly avow and declare he had done ſo, and did utter diſreſpectful Words in Contempt of the Authority of this Houſe.

Ordered, That the ſaid Mr. *Crowle* be now brought to the Bar of this Houſe, and be upon his Knees reprimanded by Mr. *Speaker*, and diſcharged, paying his Fees.

Ordered, That the further Conſideration of the Charge made by the High-bailiff of the City of *Weſtminſter*, be adjourned till to-morrow Morning.

1 *die Februarii*, 1750.

10. The Houſe (according to Order) reſumed the adjourned Conſideration of the Charge made to the Houſe upon *Monday* laſt by the High-bailiff of the City of *Weſtminſter*.

And the High-bailiff was called in, and directed to proceed to make good the reſt of his Charge;

And

And then he was directed to withdraw.

He was again called in.

And the Honourable *Alexander Murray*, Eſq; one of the Perſons named in the ſaid Charge, was alſo called in.

And the High-bailiff proceeded to ſtate his Charge againſt the ſaid Mr. *Murray*.

And Mr. *Murray*, having been heard to the ſaid Charge, and having denied the ſame, and deſiring him to make his Defence thereto by Counſel.

They were both directed to withdraw.

The Houſe was moved, that Part of 20 *G.* 2, *c.* 30. might be read;

And the ſame was read accordingly.

Mr. *Murray*, was again called in;

And being aſked, whether his Counſel were ready to proceed, he acquainted the Houſe that he had ſent for them; that he was ready himſelf, but he did not know whether they would be ready to proceed this Day,

And then he was again directed to withdraw.

Ordered, That Mr. *Murray* be admitted to be heard at the Bar of this Houſe by his Counſel, upon the Matter of the Charge made againſt him by the High-bailiff of the City of *Weſtminſter*.

Ordered, That the High-bailiff of the City of *Weſtminſter*, be admitted to be heard by Counſel, in ſupport of the Charge, if he thinks fit.

Ordered, That Mr. *Alexander Murray* be taken into the Cuſtody of the Serjeant at Arms attending this Houſe; and that when he ſhall be in ſuch Cuſtody, the Serjeant at Arms attending this Houſe do take ſuch Bail for the ſaid Mr. *Murray*, as ſhall be approved by Mr. *Speaker*, for the ſaid Mr. *Murray*'s Attendances upon this Houſe, from Time to Time, as often as he ſhall be required thereunto.

Ordered,. That the further Conſideration of that Part of the ſaid Charge which relates to the ſaid Mr. *Murray*, be adjourned till *Wedneſday* Morning next.

Ordered, That the Charge made by the High-bailiff of the City of *Weſtminſter*, againſt the ſaid Mr. *Murray*, be by him put into Writing, and delivered to the Clerk of this Houſe; and that a Copy of the ſaid Charge be delivered to the ſaid Mr. *Murray*.

The High bailiff was again called in.

And *John Gibſon*, another of the Perſons named in the Charge made to the Houſe upon *Monday* laſt, by the ſaid High-bailiff, was alſo called in.

The High-bailiff proceeded to ſtate his Charge againſt the ſaid Mr. *Gibſon*.

And Mr. *Gibſon* having been heard to the ſaid Charge, and having denied the ſame;

The High-bailiff examined ſeveral Witneſſes in ſupport of the former Part of the ſaid Charge.

And having called another Witneſs,

The High-bailiff, Mr. *Gibſon*, and the ſaid Witneſs were directed to withdraw.

The High-bailiff, and Mr. *Gibſon*, were again called in.

And the High-bailiff having acquainted the Houſe, that he had called the ſaid Witneſs in ſupport of the latter Part of his ſaid Charge.

The High-bailiff and Mr. *Gibſon* were again directed to withdraw.

They were again called in,

And the High-bailiff was directed to confine himſelf to the former Part of the ſaid Charge.

And he having acquainted the ſaid Houſe, that he had gone through his Evidence in ſupport of that Part of the ſaid Charge.

Mr. *Gibſon* was heard, and examined ſeveral Witneſſes in Anſwer to the ſaid Charge.

And

And having referred to a Member of the Houſe, as having been preſent at the Time mentioned in the Charge.

The ſaid Member did in his Place inform the Houſe of what he knew concerning the Matter of the ſaid Charge.

And Mr. *Gibſon* having gone through his Evidence, referring to a Member of the Houſe, as having been preſent at the Time mentioned in the Charge.

The ſaid Member did in his Place inform the Houſe of what he knew concerning the Matter of the ſaid Charge.

And then the High-bailiff and Mr. *Gibſon* were directed to withdraw.

And ſeveral Members did in their Places inform the Houſe of what they knew concerning the Matter of the ſaid Charge.

The Houſe was moved, that the Entry of the former Part of the ſaid Charge by the High-bailiff againſt the ſaid Mr. *Gibſon*, might be read; And the ſame was read accordingly.

Reſolved, That it appears to this Houſe, that the ſaid Mr. *John Gibſon* is guilty of an high Contempt of the Authority and Privileges of this Houſe, by reflecting on the Proceedings of this Houſe, and of the Legiſlature.

Ordered, That the ſaid *John Gibſon* be, for his ſaid Offence, committed Priſoner to his Majeſty's Gaol of *Newgate*, and that Mr *Speaker* do iſſue his Warrant accordingly.

4 *die Februarii*, 1750.

11. Mr. *Speaker* acquainted the Houſe, that the Serjeant at Arms attending this Houſe had informed him, that in purſuance of the Order of

this Houſe of *Friday* laſt, he had taken into his Cuſtody the Right Honourable *Alexander Murray*, Eſq; and when in his Cuſtody, had taken Bail for the ſaid Mr. *Murray*'s Attendance upon this Houſe, from time to time, as often as he ſhould be required thereunto; and that the ſaid Mr. *Murray* was now upon ſuch Bail.

M. *Speaker* further acquainted the Houſe, that the ſaid Bail was ſuch as had been approved of by him, as the ſaid Order directed.

Ordered, That the ſaid Mr. *Murray* do attend this Houſe upon *Wedneſday* Morning next.

Ordered, That the Order made upon *Monday* the twenty-eighth of *January* laſt, for hearing to-morrow Morning, at the Bar of this Houſe, the Matter of the Petition of the ſeveral Burgeſſes and Inhabitants of the City and Liberty of *Weſtminſter*, whoſe Names are hereunto ſubſcribed on behalf of themſelves, and ſeveral other Burgeſſes and Inhabitants of the ſaid City and Liberty, complaining of an undue Election and Return for the City of *Weſtminſter*, be now read;

And the ſame being read accordingly.

Ordered, That the ſaid Order be diſcharged.

Ordered, That the Order made upon *Monday*, the twenty-eighth of *January* laſt, for hearing at the Bar of this Houſe, the Matter of the Petition of Sir *George Vandeput*, Bart. complaining of an undue Election and Return for the City of *Weſtminſter*, at the ſame Time, the Matter of the Petition of the ſeveral Burgeſſes and Inhabitants of the City and Liberty of *Weſtminſter*, whoſe Names are thereunto ſubſcribed, on behalf of themſelves, and ſeveral other Burgeſſes and Inhabitants of the ſaid City and Liberty, was appointed to be heard, be now read;

And the ſame being read accordingly.

Ordered,

Ordered. That the ſaid Order be diſcharged.

Ordered, That the Matters of the ſaid Petitions be heard at the Bar of this Houſe, upon *Thurſday* Morning next.

6 die Februarii, 1750:

12. The other Order of the Day being read,

The Houſe reſumed the adjourned Conſideration of that Part of the Charge made to the Houſe by the High-bailiff of the City of *Weſtminſter*, which relates to the Honourable *Alexander Murray*, Eſq;

And the High-bailiff and the Counſel for Mr. *Murray* were called in;

And the Charge of the High-bailiff againſt the ſaid Mr. *Murray* was read.

The High-bailiff examined one Witneſs in ſupport of the ſaid Charge.

And then the High-bailiff, the Counſel, and the ſaid Witneſs were directed to withdraw.

The High-bailiff and the Counſel were again called in.

And the High-bailiff examined ſeveral other Witneſſes in ſupport of the ſaid Charge.

And having gone through his Evidence;

The Counſel for Mr. *Murray* were heard, and examined ſeveral Witneſſes in Anſwer to the ſaid Charge.

And the High-bailiff was heard by way of Reply;

And the ſaid Mr. *Murray* was heard at the Bar;

And then the High-bailiff, Mr. *Murray*, and the Counſel, were directed to withdraw.

Reſolved, That it appears to this Houſe, that the Honourable *Alexander Murray*, Eſq; on the fifteenth Day of *May* laſt, being the Day of Return of a Member to ſerve in Parliament for the City

of *Weſtminſter*, attended by a Mob, did before the Return was made, come to the Houſe of Mr. *Baldwin*, the Deputy High bailiff of the ſaid City, and then and there declared, in a menacing and inſulting Manner, that he and a thouſand more had ſworn, that the High-bailiff ſhould make his Return in the Middle of *Covent Garden*, and not in the Portico; that he was a Fool he had not ordered the Iron Rails before the Portico to be cut down the Night before; that he had adviſed with Counſel, that if he had done it, and had not taken the Rails away, it would have been only a Treſpaſs; and that for One hundred or One hundred and fifty Pounds, they might have been made good again; and that had it not been to humour ſome faint-hearted Fellows, it would have been done, or Words to that Effect; and that the ſaid *Alexander Murray*, immediately after the Return was made, appeared in *Covent Garden* Church-yard, while the returning Officer was in the Veſtry, near the Place where the Return was made, at the Head of a Mob, who appeared to be on the Part of Sir *George Vandeput*, and did then utter Words exciting and inflaming the ſaid Multitude, to aſſault and murder the returning Officer; and that afterwards, as the returning Officer was going away, the ſaid *Alexander Murray*, perſevering in his wicked Purpoſes, did, at the Head of the ſaid Mob, again incite them to Acts of Violence, ſaying with Imprecations, *Will nobody knock the Dog down? Will nobody kill the Dog?* or Words to that Effect.

A Motion was made, and the Queſtion being propoſed, that the ſaid *Alexander Murray*, for his ſaid dangerous and ſeditious Practices, in Violation and Contempt of the Authority and Privileges of this Houſe, and of the Freedom of Elections, be committed cloſe Priſoner to his Majeſty's Goal of *Newgate*.

The

The Houſe was moved, that the Journal of the Houſe of the Twenty third of *February*, One thouſand ſeven hundred and forty-one, in relation to the Proceedings of the Houſe, for the Puniſhment of *William Middleton*, Eſq; might be read;

And the ſame was read accordingly.

Reſolved, That the ſaid *Alexander Murray* be, for his ſaid dangerous and ſeditious Practices, in Violation and Contempt of the Authority and Privileges of this Houſe, and of the Freedom of Elections, committed cloſe Priſoner to his Majeſty's Goal of *Newgate*, and Mr. *Speaker* do iſſue his Warrant accordingly.

Reſolved, that the ſaid *Alexander Murray* be now brought to the Bar of this Houſe, to receive his Sentence there upon his Knees.

He was brought in accordingly, and by Mr. *Speaker* directed to kneel.

And he having refuſed to be upon his Knees, as required by the ſaid Reſolution;

And being withdrawn,

Reſolved, That it having been reſolved by this Houſe, that the ſaid *Alexander Murray* ſhould receive upon his Knees, at the Bar of this Houſe, the ſaid Sentence of this Houſe againſt him; and he having in a moſt inſolent audacious Manner, at the Bar of this Houſe, abſolutely refuſed to be upon his Knees, as required by the ſaid Reſolution, is guilty of a high and moſt dangerous Contempt of the Authority and Privilege of this Houſe.

Ordered, That the ſaid *Alexander Murray* be committed cloſe Priſoner to his Majeſty's Goal of *Newgate*, in order to his forth coming, to abide ſuch Orders as ſhall be made by this Houſe, in relation to the ſaid Contempt.

Ordered, That the ſaid *Alexander Murray* (while in the ſaid Goal by Virtue of the ſaid Order) be not allowed the Uſe of Pen, Ink, or Paper; and

that no Perſon be admitted to have Acceſs unto him, without the Leave of this Houſe.

Ordered, That a Committee be appointed to conſider, and report to the Houſe, what Methods may be proper to be taken by the Houſe, in relation to the ſaid Contempt.

And a Committee was appointed accordingly, and they are to withdraw immediately into the Speaker's Chamber; and they have Power to ſend for Perſons, Papers, and Records.

Ordered, That the ſaid Committee have Power to ſit, notwithſtanding any Adjournment of the Houſe.

8 *die Februarii*, 1750.

13. *Ordered*, That the Lord *Elibank* have leave to reſort to his Brother the Honourable *Alexander Murray*, Eſq; now a Priſoner in his Majeſty's Goal of *Newgate*, committed to the ſaid Gaol by an Order of this Houſe.

The Houſe being informed, that a Perſon from the Keeper of *Newgate* attended at the Door, he was called in, and at the Bar acquainted the Houſe, that the ſaid Mr. *Murray* lies ill, and deſires that a Phyſician and an Apothecary may have Leave to reſort to him; and that the Name of the Apothecary is *Cooke*, and the Name of the Phyſician he did not know, but had ſent to enquire;

And then he withdrew.

The Houſe being informed, that the Phyſician deſired by the ſaid Mr. *Murray*, to attend him, was Doctor *Lamond*;

Ordered, That the ſaid Doctor *Lamond*, and the ſaid Mr. *Cooke*, have leave to reſort to the ſaid Mr. *Murray* in the ſaid Goal.

The Houſe was moved, that the Order made upon *Monday* laſt, the Fourth day of *February*, for

hearing

hearing Yeſterday at the Bar of this Houſe, the Matters of the Petition of the ſeveral Burgeſſes and Inhabitants of the City and Liberty of *Weſtminſter*, whoſe Names are thereunto ſubſcribed, on Behalf of themſelves, and ſeveral other Burgeſſes and Inhabitants of the City and Liberty, and of the Petition of Sir *George Vandeput*, Bart. ſeverally complaining of an undue Election, and Return for the City of *Weſtminſter*, might be read.

And the ſame being read accordingly.

Ordered, That the Matter of the ſaid Petitions be heard at the Bar of this Houſe upon *Tueſday* Morning next.

12 *die Februarii*, 1750.

14. *Ordered*, That the ſeveral Burgeſſes and Inhabitants of the City and Liberty of *Weſtminſter*, who petitioned this Houſe on Behalf of themſelves, and ſeveral other Burgeſſes and Inhabitants of the City and Liberty complaining of an undue Election and Return for the City of *Weſtminſter*, be at Liberty to withdraw their Petition.

Ordered, That the Order made for hearing at the Bar of this Houſe the Matter of the ſaid Petition, be diſcharged.

Ordered, That Sir *George Vandeput*, Bart. be at Liberty to withdraw his Petition, complaining of an undue Election and Return of the ſaid City.

Ordered, That the Order made for hearing at the Bar of this Houſe the Matter of the ſaid Petition be diſcharged.

14 *die Februarii*, 1750.

15. Sir *William Younge*, from the Committee who were appointed to conſider, and report to the Houſe, what Methods may be proper to be taken by

by the Houſe in relation to the Contempt of the Honourable *Alexander Murray*, Eſq; who being, in purſuance of a Reſolution of this Houſe, brought to the Bar of this Houſe, to receive his Sentence there upon his Knees, and who being by Mr. *Speaker* directed to kneel, refuſed to be upon his Knees, as required by the ſaid Reſolution, acquainted the Houſe, that the Committee have directed him to make a Report when the Houſe will be pleaſed to receive ſame.

Ordered, That the Report be received upon *Monday* Morning next.

A Petition of *John Gibſon*, now a Priſoner in *Newgate*, was preſented to the Houſe and read, expreſſing his Sorrow for having incurred the Diſpleaſure of the Houſe, giving the ſtrongeſt and moſt ſolemn Aſſurances of his never giving the leaſt Offence for the future, and praying to be diſcharged from his Confinement.

Ordered, That the ſaid *John Gibſon*, committed Priſoner by this Houſe to his Majeſty's Goal of *Newgate*, on the Firſt of this Inſtant *February*, be brought to the Bar of this Houſe To-morrow Morning, in order to his being diſcharged; and that Mr *Speaker* do iſſue his Warrant accordingly.

15 *die Februarii*, 1750.

16. *John Gibſon* was (according to Order) brought to the Bar, where he, upon his Knees, received a Reprimand from Mr. *Speaker*, and was ordered to be diſcharged out of Cuſtody, paying his Fees.

25 *die Februarii*, 1750.

17. The Orders of the Day, for the Attendance of Dr. *Lamond*, and Mr. *Cooke* the Apothecary, who were admitted to viſit Mr. *Murray*, now a Priſoner

in his Majeſty's Goal of *Newgate*, committed to the ſaid Goal by an Order of this Houſe being read.

Dr. *Lamond* was called in, and at the Bar gave an Account of the State of the Health of Mr. *Murray*, during the Time he had attended him in the ſaid Goal;

And then he withdrew.

Reſolved, That no Perſon, allowed by this Houſe to reſort to the ſaid Mr. *Murray* in his Majeſty's Goal of *Newgate*, have, without freſh Leave of this Houſe, any further Acceſs to the ſaid Mr. *Murray*, while in the ſaid Goal, by Virtue of an Order of this Houſe, made upon the Sixth Day of this Inſtant *February*, except his Phyſician Dr. *Lamond*, and his Apothecary Mr. *Cooke*, and alſo the Nurſe, who has been by this Houſe allowed to be with him in the ſaid Priſon.

2 die Aprilis, 1751.

18. The Houſe being informed, that Dr. *Lamond*, who was admitted to reſort to Mr. *Murray*, now a Priſoner in his Majeſty's Goal of *Newgate*, committed to the ſaid Goal by an Order of this Houſe, was attending at the Door, and was deſirous of giving the Houſe ſome Information relating to the ſaid Mr. *Murray*.

Dr. *Lamond* was called in, and at the Bar acquainted the Houſe, that he had this Day attended the ſaid Mr. *Murray*; that he apprehended him to have the Goal Diſtemper coming upon him, and that he left him ſo extremely ill, that if he be not immediately removed from the Place of his preſent Confinement, there would be no Poſſibility of ſaving him;

And then he withdrew.

Ordered, That the ſaid Mr. *Murray*, committed by this Houſe cloſe Priſoner to his Majeſty's Goal of

of *Newgate*, in order to his forth coming, to abide ſuch Orders as ſhould be made by this Houſe, in relation to the high and moſt dangerous Contempt of the Authority and Privilege of this Houſe, committed by the ſaid Mr. *Murray*, upon *Wednesday* the Sixth day of *February* laſt, be diſcharged from his ſaid Confinement there, and delivered over into the Cuſtody of the Serjeant at Arms attending this Houſe, in order to his the ſaid Mr. *Murray*'s forth coming, to abide ſuch Orders as ſhall be made by this Houſe, in relation to the ſaid Contempt, and that Mr. *Speaker* do iſſue his Warrants accordingly.

Ordered, That a Phyſican to be appointed by Mr. *Speaker*, do attend the ſaid Mr. *Murray*, while in the ſaid Cuſtody of the Serjeant at Arms attending this Houſe, in order to give Satisfaction to the Houſe, from Time to Time, in relation to the State of the ſaid Mr. *Murray*'s Health, and that Mr. *Speaker* do iſſue his Writs accordingly.

Ordered, That no other Perſon be admitted to reſort to the ſaid Mr. *Murray*, while in the ſaid Cuſtody of the Serjeant at Arms attending this Houſe, except ſuch other Perſon or Perſons as Mr. *Speaker* ſhall from Time to Time think fit to authoriſe by his Warrant ſo to do, upon proper Application to be made to Mr. *Speaker* for that Purpoſe, and that Mr. *Speaker* be impowered to iſſue his Warrants accordingly.

Ordered, That the ſaid Mr. *Murray*, while in the ſaid Cuſtody of the Serjeant at Arms attending this Houſe, be not allowed the Uſe of Pen, Ink, or Paper, otherwiſe than as Mr. *Speaker* ſhall from Time to Time think fit by his Warrant to authoriſe the ſame, and that Mr. *Speaker* be impowered to iſſue his Warrants accordingly.

3 *die*

3 *die Aprilis*, 1751.

19. Mr. *Speaker* informed the Houſe, that the Deputy of the Serjeant at Arms attending this Houſe, had ſomething to communicate to the Houſe, relating to the Execution of the Orders Yeſterday made, for removing Mr. *Murray* from his Majeſty's Goal of *Newgate*, into the Cuſtody of the Serjeant at Arms;

And the ſaid Deputy-ſerjeant being called upon, acquainted the Houſe, that he did Yeſterday communicate to the Keeper of the ſaid Goal, Mr. *Speaker*'s Warrant for removing the ſaid Mr. *Murray*, and that being thereupon admitted to the ſaid Mr. *Murray*, he the ſaid Deputy-ſerjeant did acquaint him with the Orders of the Houſe for his Removal; but that his Phyſician Dr. *Lamond*, being preſent, and giving it as his Opinion, that it might be very improper to remove the ſaid Mr. *Murray* that Night, and that it would be more adviſeable to defer ſuch Removal till the next Morning, he, the ſaid Deputy-ſerjeant acquieſced therein, and accordingly did this Morning, together with Dr. *Lamond*, again attend the ſaid Mr. *Murray*, and told him, that he, the ſaid Deputy-ſerjeant, was ready to execute the ſaid Warrants; but that the ſaid Mr. *Murray* then ſaid, that he thought ſuch Removal would be of little or no Service to him; and that as the Application to the Houſe was without his Knowledge, he choſe, if it could be permitted, to remain where he was; and that he alſo requeſted the ſaid Deputy-ſerjeant to inform the Houſe, that he was extremely thankful for the Favour intended him; and that the ſaid Dr. *Lamond* likewiſe thought, that as his Fever had left him ſooner then he apprehended, it was the beſt Way not to remove him, as nothing but Air and Exexciſe could be of real Service to him.

And

And the ſaid Deputy-ſerjeant being further examined, alſo acquainted the Houſe, that he had found, from his Converſation with the ſaid Mr. *Murray*, that he had been informed of the Steps which had been taken for the ſaid Application to the Houſe; and that the ſaid Mr. *Murray* expreſſed great Uneaſineſs thereupon, and uſed ſome Words of Reſentment towards one of his Relations, on Account of ſuch Application being made; ſaying, *It was a mean Thing in him to apply to the Houſe, without his, the ſaid Mr.* Murray's *Conſent.*

The Houſe was moved, that the Minutes of the Information given by Dr. *Lamond* Yeſterday at the Bar of this Houſe, and of his Examination conſequent thereupon, might be read;

And the ſame were read accordingly.

And the Houſe being informed, that the ſaid Dr. *Lamond* was attending at the Door, he was called in, and being examined at the Bar, gave the Houſe an Account in what Condition he found the ſaid Mr. *Murray* laſt Night, with his Reaſons for thinking it improper to have Mr. *Murray* removed at that Time, and alſo acquainted the Houſe, that the ſaid Mr. *Murray* does not deſire to be removed out of *Newgate*, unleſs he could have the Benefit of Air and Exerciſe, and was diſſatisfied with the Application which had been made to this Houſe; and that he, the ſaid Doctor, does not now perceive any Symptoms of the ſaid Mr. *Murray*'s having the Gaol Diſtemper, but thinks him much better than he was Yeſterday, although far from being well;

And then he withdrew.

Ordered, That the Orders made Yeſterday for removing the ſaid Mr. *Murray* from his Majeſty's Gaol of *Newgate*, into the Cuſtody of the Serjeant at Arms attending this Houſe, and the ſeveral Orders ſubſequent thereupon, relating to the ſaid Mr. *Murray*, be revoked.

Ordered,

Ordered, That the ſaid Mr. *Murray* do remain in the ſame Cuſtody he was in, with the ſame Orders in relation to him as were ſubſiſting Yeſterday, before the ſame revoked Orders were made.

20 *die Novembris*, 1751.

20. *A Motion being made, and the Queſtion being propoſed*, That the Honourable *Alexander Murray*, Eſq; who, on the Sixth of *February*, laſt Seſſion of Parliament, was for dangerous and ſeditious Practices, in violation and contempt of the Authority and Privileges of this Houſe, and of the Freedom of Elections, ordered by this Houſe to be committed cloſe Priſoner to his Majeſty's Gaol of *Newgate*, and was alſo at the ſame Time ordered by this Houſe, to be brought to the Bar thereof, to receive his ſaid Sentence there upon his Knees; and before the ſaid Sentence by him received, did, by a high and moſt dangerous Contempt in him of the Authority and Privilege of this Houſe, and by perſiſting in the ſame, avoid the Execution of the ſaid Sentence, during the Remainder of the ſaid Seſſion of Parliament, be now committed cloſe Priſoner to his Majeſty's Gaol of *Newgate*, for the ſaid dangerous and ſeditious Practices, in violation and contempt of the Authority and Privileges of this Houſe, and of the Freedom of Elections.

It paſſed in the Negative.

Then the Queſtion being put, That the honourable *Alexander Murray*, Eſq; who, on the Sixth Day of *February*, in the laſt Seſſion of Parliament, was, for dangerous and ſeditious Practices, in violation and contempt in him of the Authority and Privilege of this Houſe, and by perſiſting in the ſame, avoid the Execution of the ſaid Sentence, during the Remainder of the ſaid Seſſion of Parliament, be now committed cloſe Priſoner to his Majeſty's Gaol of *Newgate*, for the ſaid dangerous and ſeditious

ſeditious Practices, in violation and contempt of the Authority and Privileges of this Houſe, and of the Freedom of Elections.

It was reſolved in the Affirmative.

Ordered, That Mr. Speaker do iſſue his Warrants accordingly.

Reſolved, That the ſaid *Alexander Murray* do receive the ſaid Sentence, for his now being committed cloſe Priſoner to his Majeſty's Gaol of *Newgate*, at the Bar of this Houſe upon his Knees.

Ordered, That the Serjeant at Arms attending this Houſe do take the ſaid *Alexander Murray* into his Cuſtody, in order to his being brought to the Bar of this Houſe, to receive the ſaid Sentence.

25 die Novembris, 1751.

21. The Serjeant at Arms attending this Houſe, being called upon to give an Account of what had been done in Execution of the Order of the Houſe of *Wedneſday* laſt, for taking into his Cuſtody the honourable *Alexander Murray*, Eſq; the Deputy of the ſaid Serjeant at Arms, to whom the ſaid Order was delivered, acquainted the Houſe, that diligent Search had been made after the ſaid Mr. *Murray*, but that he could not be found.

Reſolved, That an humble Addreſs be preſented to his Majeſty, that he will be graciouſly pleaſed to iſſue his Royal Proclamation, for apprehending the ſaid *Alexander Murray*, with a Promiſe of a Reward for the ſame.

Ordered, That the ſaid Addreſs be preſented to his Majeſty by ſuch Members of this Houſe, as are of his Majeſty's moſt Honourable Privy Council.

Wey-

Weymouth and Melcombe Regis.

Jovis, 3 die Junii, 1714.

1. Mr. *Medlicott*, (according to Order) reported, *&c.* the Election for the Borough of *Weymouth* and *Melcombe Regis*, in the County of *Dorſet*, and the Reſolutions of the Committee thereupon, *&c.* are as follow, *viz.*

Reſolved, That it is the Opinion of this Committee, that thoſe Perſons who had no Right of voting in the Election of Members to ſerve in Parliament for the Borough of *Weymouth* and *Melcombe Regis*, in the County of *Dorſet*, at *Lady Day*, One thouſand ſeven hundred and ten, and not claiming by Purchaſe for a valuable Conſideration, or by Will, or by Deſcent, ſince that Time, had a Right to vote in the laſt Election of Members to ſerve in Parliament for the ſaid Borough.

2. *Reſolved*, That it appearing to this Committee, that divers ſcandalous and illegal Practices have been lately carried on in the Borough of *Weymouth* and *Melcombe Regis*, in the County of *Dorſet*, to multiply Votes in order to the laſt Election of Members to ſerve in Parliament, it is the Opinion of this Committee, that all ſuch Perſons whoſe Votes were not admitted at the Determination of the laſt conteſted Election in Parliament, for the ſaid Borough, and who have not acquired a Right by Deſcent or Deviſe ſince that Time, had a Right of voting in the laſt Election of Members to ſerve in Parliament for the ſaid Borough.

3. *Reſolved*, That it is the Opinion of this Committee, that no Freeholders of the Borough of *Weymouth* and *Melcombe Regis*, in the County of *Dorſet*, made ſince the Election of Burgeſſes to ſerve in Parliament for the ſaid Borough, in *April*,

One thouſand ſeven hundred and eleven, unleſs claiming by Deviſe or Deſcent, had any Right of voting in the laſt Election of Members to ſerve in Parliament for the ſaid Borough.

4. *Reſolved*, That it is the Opinion of this Committee, that all Conveyances to ſplit and divide the Intereſt in any Houſes or Lands in the Borough of *Weymouth* and *Melcombe Regis*, among ſeveral Perſons, in order to multiply Voices at the Election of Members to ſerve in Parliament for the ſaid Borough, are all illegal and void.

Here follow ſeven other Reſolutions, who are, *and who* are not duly elected, *&c. for*, N. B. *this Borough ſends four Members, it having been two Boroughs formerly.*

The firſt and ſecond Reſolutions being ſeverally read a ſecond Time, were, upon the Queſtion ſeverally put thereupon, diſagreed unto by the Houſe.

The Reſt of the ſaid Reſolutions being ſeverally read a ſecond Time, were, upon the Queſtion ſeverally put thereupon, agreed unto by the Houſe.

Whitchurch.

1. *Martis*, 21 *die Decembris*, 1708.

Reſolved, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Whitchurch*, in the County of *Southampton*, is in the Freeholders only of Lands or Tenements, in Right of themſelves, or their Wives, not ſplit ſince the Act of the ſeventh and eighth Years of the Reign of King *William*.

Wilton.

Wilton.

1. *Sabbati*, 28 *die Novembris*, 1702.

Reſolved, That the Election of any Perſon to be a Burgeſs of *Wilton*, in the County of *Wilts*, who has not taken the Sacrament of the Lord's Supper, according to the Rites of the Church of *England*, within one Year before ſuch Election, is a void Election.

Winchelſea.

1. *Jovis*, 7 *die Februarii*, 1711.

Reſolved, That the Freemen of the Port of *Winchelſea*, are not obliged to qualify themſelves by receiving the Sacrament according to the Corporation Act.

New-Windſor.

1. *Jovis*, 4 *die Novembris*, 1680.

Reſolved, That in the Borough of *New-Windſor*, thoſe Inhabitants only who pay Scot and Lot, have Right to vote in the Election of Burgeſſes to ſerve in Parliament for the ſaid Borough.

2. *Sabbati*, 17 *die Maii*, 1690.

Reſolved, *as the Opinion of the Committee*, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *New-Windſor*, is in the Mayor, Bailiffs, and ſelect Number of Burgeſſes only.

The Queſtion being put, that the Houſe do agree with the Committee in the ſaid Reſolution,

It paſſed in the Negative.

2. *Sabbati*, 17 *die Maii*, 1697.

Reſolved, That the Mayor, Bailiffs, and Burgeſſes of *New-Windſor*, have not the Right of electing Members to ſerve in Parliament for the ſaid Borough.

4 *Reſolved*, That the Borough of *New-Windſor* hath a Right to ſend Burgeſſes to Parliament by Preſcription.

5. *Reſolved*, That all the Inhabitants of the ſaid Borough have the Right of electing Members to ſerve in Parliament for the ſaid Borough.

6. *Jovis*, 23 *die Maii*, 1737.

On a Hearing for New-Windſor.

The ſtanding Order made on the ſixteenth of *January*, One thouſand ſeven hundred and thirty-five, for reſtraining Counſel from offering Evidence touching the Legality of Votes contrary to the laſt Determination of the Houſe of Commons, was read. And

7. The laſt Determination of the Houſe concerning the Right of electing Burgeſſes to ſerve in Parliament for the ſaid Borough, made the fourth Day of *November*, One thouſand ſix hundred and eighty, which was then reſolved to be in thoſe Inhabitants only who pay Scot and Lot, was alſo read.

Wit-

Witneſſes. See Evidence.

1. *Mercurii*, 12 *die Martis*, 1700.

Reſolved, That it appears that Mr. *Lawton* is guilty of tampering with Witneſſes, and endeavouring to ſuppreſs the Evidence to be given concerning the corrupting the Electors for the ſaid Borough (*Bramber* in *Suſſex.*)

Ordered into Cuſtody for the ſaid Offence.

2. *Jovis*, 13 *die Martii*, 1700.

Reſolved, That *Samuel Sheppard*, ſenior, Eſq; is guilty of ſending out of the way a Witneſs, and endeavouring to ſuppreſs the Evidence touching Matters under the Examination of this Houſe.

3. *Jovis*, 28 *die Aprilis*, 1715.

At the further hearing the Merits of the Election for the Borough of *Shafteſbury*, in the County of *Dorſet*, —— the Counſel for the Petitioners proceeded to give Evidence touching the corrupting of Votes for the ſitting Member; and alſo touching ſuch Perſons as had a Right to vote, but were refuſed to be admitted for the Petitioners.

After which the ſitting Member's Counſel proceeded to call Witneſſes, to juſtify the Voters objected againſt by the Petitioner's Counſel.

And *Edward Grimſted*, ſenior, being called in to prove the Qualification of *Richard Hayter* (who had been objected againſt by the Petitioner's Counſel) to vote at the ſaid Election.

And the Petitioner's Counſel objecting againſt his being examined as a Witneſs, in regard that the ſaid *Edward Grimſted* was charged, by the Peti-

tioner's Evidence, with having endeavoured to corrupt ſome Perſons to vote for the ſitting Members, the Counſel on both ſides were heard, touching the ſaid Objection;

And then he withdrew.

Reſolved, That the Counſel for the ſitting Members be admitted to examine *Edward Grimſted*, ſenior, as to *Richard Haytor*'s being qualified to vote at the late Election of Members to ſerve in Parliament for the Borough of *Shaftesbury*.

4. *Robert Brickle*, being called to prove the Qualification of *Abraham Buckland* (who had been objected againſt by the Petitioner's Counſel) to vote at the ſaid Election; and the ſaid *Robert Brickle* being objected againſt by the Petitioner's Counſel, in regard that he had been charged by the Petitioner's Evidence with having endeavoured to ſuborn a Perſon to give falſe Evidence to this Houſe; the Counſel, *&c.*

And a Motion being made, and the Queſtion being put, that the Counſel for the ſitting Members be admitted to examine *Robert Brickle*, as to *Abraham Buckland*'s being qualified to vote at the late Election of Members to ſerve in Parliament for the Borough of *Shaftesbury*.

It paſſed in the Negative.

5. *Martis*, 24 *die Maii*, 1715.

The Houſe (according to order) proceeded to the further hearing the Merits of the Election for the Borough of *Hertford*: And one *Thomas Webb* being offered to be examined as a Witneſs, the ſitting Member's Counſel objected againſt his being examined, for that he was charged by the ſitting Member's Evidence to have endeavoured to procure a Vote for the Petitioners by Corruption, at

the laſt Election, and had reflected on the Juſtice of this Houſe.

Reſolved, That the Petitioners Counſel be admitted to examine *Thomas Webb*, in relation to *John Bowles*'s being an Inhabitant of the Borough of *Heriford*, at the Time of his being made Free.

6. *Jovis*, 2 *die Junii*, 1715.

The Houſe proceeded to the further hearing the Merits of the Election for the Borough of *Newcaſtle Under-line*, and the Counſel, *&c.*

And one *Ralph Mare* being offered as a Witneſs to prove the diſtributing Wheat, and Money inſtead thereof, to the Burgeſſes,

The Petitioners Counſel objected againſt his being examined as a Witneſs, for that he was charged by the Petitioners Evidence with having confeſſed he had thirty Shillings to come up to be a Witneſs.

Reſolved, That the ſitting Member's Counſel be admitted to examine *Ralph Mare*, as a Witneſs, touching Wheat being diſtributed at the Borough of *Newcaſtle Under-line*.

7. The Petitioner's Counſel replied, and called one *Samuel Lowe* to be examined as a Witneſs touching a Declaration made by the Petitioner Mr. *Offley*, before her late Majeſty's Death, of his Intention to diſtribute Wheat, and the ſitting Member's Counſel objected againſt his being examined as a Witneſs, he being charged by the ſitting Member's Evidence to have diſtributed the ſaid Wheat.

Reſolved, That the Counſel for the Petitioners be admitted to examine *Samuel Lowe*, in relation to the Wheet diſtributed at the Borough of *Newcaſtle Under-line*.

Woodstock.

1. *Martis*, 16 *die Martii*, 1713.

Reſolved, That the Right of electing Member, to ſerve in Parliament for the Borough of *New-Woodſtock*, in the County of *Oxon*, is in the Mayor, Aldermen, and Freemen of the ſaid Borough.

Wotton-Baſſet.

1. *Jovis*, 2 *die Decembris*, 1742.

The Houſe being informed that the Petition of *Nicholas Robinſon*, Eſq; complaining of an undue Election and Return for the Borough of *Wotton-Baſſet*, in the County of *Wilts*, preſented to the Houſe on *Tueſday* laſt, and referred to the Conſideration of the Committee of Privileges and Elections, is not ſigned by the Petitioner.

Ordered, That it be an Inſtruction of the ſaid Committee, that, before they proceed on the ſaid Petition, they do examine into the Manner of ſigning the ſame, and make Report thereof to the Houſe.

2. *Veneris*, 10 *die Decembris*, 1742.

Ordered, That *Nicholas Robinſon*, Eſq; be at liberty to withdraw his Petition complaining of an undue Election and Return for the Borough of *Wotton-Baſſet*, in the County of *Wilts*.

Ordered, That the Committee of Privileges and Elections be diſcharged from proceeding upon the Matter of the ſaid Petition.

Ordered,

Ordered, That the ſaid Committee be diſcharged for examining into the Matter of ſigning the ſaid Petition.

Worceſter.

11 *die February*, 1747.

1. *Reſolved*, That the Right of Election for the City of *Worceſter*, is in the Citizens of the ſaid City, not receiving Alms, and admitted to their Freedom by Birth or Servitude, or by Redemption, in order to Trade within the ſaid City.

Yarmouth, in the Iſle of Wight.

1. *Jovis*, 11 *die Aprilis*, 1717.

Reſolved, That the Bye-Law made the twenty-firſt of *September*, One thouſand ſix hundred and ſeventy, by the Mayor and five chief Burgeſſes of *Yarmouth*, in the *Iſle of Wight* (being the major Part of the chief Burgeſſes then exiſting) for electing free Burgeſſes, by the Mayor and five chief Burgeſſes, was a good Bye-Law.

Jovis, 19 *die Januarii*, 1769.

1. *Reſolved*, That *Thomas Grines*, Eſq; being elected a chief Burgeſs during the pretended Mayoralty of *John Leigh*, Eſq; (who the Houſe reſolved was not legally elected Mayor of the ſaid Borough of *Yarmouth*, on 21 *September*, 1759) was not legally elected a chief Burgeſs of the ſaid Borough, and was therefore incapable of being elected Mayor of the ſaid Borough on 21 *September* 1765.

2. *Reſolved*,

2. *Reſolved*, That the Rev. Dr. *Walker*, and the Rev. Mr. *John Oglander*, being elected chief Burgeſſes, during the pretended Mayoralty of the ſaid *Thomas Grines*, were not legal chief Burgeſſes of the ſaid Borough.

3. *Reſolved*, That the Election of the 25 free Bugeſſes objected to by the Counſel for the Petitioners, elected during the pretended Mayoralty of the ſaid *T. G.* Eſq; at an Aſſembly, in which the ſaid Doctor *W.* and Mr. *O.* attended and voted as two of the five chief Burgeſſes in the Election of the ſaid twenty Burgeſſes, was illegal and void.

York and Yorkſhire.

1. *Martis*, 9 *die Martii*, 1735.

Reſolved, That Perſons whoſe Freeholds lie within that Part of the County of the City of *York*, which is commonly called the *Aynſty*, have a Right to vote for Knights of the Shire for the County of *York*.

The following Votes are not ſtanding Orders, but of late Years have been voted at the beginning of every Seſſion.

1. *Ordered*, That a Committee of Privileges and Elections be appointed.

And a Committee was appointed accordingly

And they are to meet upon this Day ſe'nnight, at five of the Clock in the Afternoon, in the Speaker's Chamber, and to ſit every *Wedneſday*, *Friday*, and *Monday*, in the Afternoon; and all that come are to have Voices; and they are to take into Conſideration all ſuch Matters as ſhall or may come in Queſtion, touching Returns, Elections and Privileges, and to proceed upon Double Returns, in the

the firſt Place, and to report their Proceedings, with their Opinions thereupon, to the Houſe, from time to time; and all Perſons that will queſtion any Returns, are to do it within fourteen Days next, and ſo within fourteen Days next after any new Return ſhall be brought in; and the Committee are to have Power to ſend for Perſons, Papers, and Records, for their Information; and all Members who are returned for two or more Places, are to make their Election by this Day three Weeks, for which of the Places they will ſerve, provided there be no Queſtion upon the Return for that Place; and if any Thing ſhall come in Queſtion, touching the Return, Election, or Matter of Privilege of any Member, he is to withdraw during the Time the Matter is in Debate, and that all Members returned upon Double Returns to withdraw till their Returns are determined.

2. *Reſolved*, That no Peer of this Realm hath any Right to give his Vote in the Election of any Member to ſerve in Parliament.

3. *Reſolved*, That when the Houſe ſhall judge any Petition, touching Elections, to be frivolous and vexatious, the Houſe will order Satisfaction to be made to the Perſon petitioned againſt.

4. *Reſolved*, That if it ſhall appear that any Perſon hath procured himſelf to be elected or returned a Member of this Houſe, or endeavouring ſo to be, by Bribery, or any other corrupt Practices, this Houſe will proceed with the utmoſt Severity againſt ſuch Perſon.

5. *Reſolved*, That if it ſhall appear that any Perſon hath been tampering with any Witneſs in reſpect of his Evidence to be given to this Houſe, or any Committee thereof, or directly or indirectly hath endeavoured to deter or hinder any Perſon from appearing or giving Evidence, the ſame is declared to be a high Crime and Miſdemeanor, and this

this Houſe will proceed with the utmoſt Severity againſt ſuch Offender.

Reſolved, That if it ſhall appear that any Perſon hath given falſe Evidence in any Caſe before this Houſe, or any Committee thereof, this Houſe will proceed with the utmoſt Severity againſt ſuch Offender. But ſee now Stat. 10 *G.* 3. *c.* 16. *Sect.* 29.

APPENDIX.

Nº. I.

Warrant for iſſuing Parliamentary Writs.

GEORGE the Third, by the Grace of *God* of *Great Britain*, *&c.* To our right truſty, and right well beloved *Henry* Lord *Apſley*, Lord High Chancellor of our Kingdom of *Great Britain*, greeting, Whereas, we by the Advice of our Privy Council, for certain and urgent Cauſes concerning Us, the good Eſtate and Commonwealth of this our Realm, and of the Church of *England*, and for the good Order and Continuance of the ſame, have appointed and ordained a Parliament to be holden at our City of *Weſtminſter*, the Day of next enſuing, in which Caſe diverſe and fundry Writs are to be iſſued forth, under our Great Seal of *Great Britain*, as well for the Prelates, Biſhops, and Nobility of this our Realm, as alſo for the Election of Knights, Citizens, and Burgeſſes of the ſeveral Counties, Cities and

and Boroughs, and Towns of the ſame, to be preſent at the ſaid Parliament at the Day and Place aforeſaid; whereupon We will, and command you forthwith, upon the Receipt hereof, and by Warrant of the ſame, to cauſe ſuch, and ſo many Writs to be made, and ſealed under our Great Seal, for the accompliſhing of the ſame, as in like Caſes hath been heretofore uſed and accuſtomed: And this Bill ſigned with our own Hand, ſhall be as well unto you, as to every ſuch Clerk and Clerks as ſhall make and paſs the ſame, a ſufficient Warrant or Diſcharge in that behalf given.

°. II.

Writs of Summons:

George the Third, by the Grace of *God*, of *Great Britain*, &c. to his moſt noble Couſin, *Hugh*, Duke of *Northumberland*, &c. greeting, in as much as by the Advice and Conſent of our Privy Council, We have ordained our Parliament to be held at our City of *Weſtminſter*, on the Day of next enſuing, by reaſon of ſome arduous and urgent Affairs concerning Us, the State, and Defence of our Kingdom of *Great Britain*, and Church of *England*, to have Conference and Treaty with you and the Prelates, Biſhops and Peers of our ſaid Kingdom, We firmly injoin you, upon the Faith and Allegiance in which you are bound to Us, that taking into Conſideration the Weightineſs of the ſaid Affairs, and the eminent Dangers, laying aſide all Excuſe, you be perſonally preſent on the ſaid Day and Place, with Us, and the Prelates, Biſhops, and Peers aforeſaid, to treat aad give your Advice on the ſaid Affairs, and this you are in no wiſe to omit, as you love Us, our Honour and Safety, and the Defence of the aforeſaid Kingdom

dom and Church, and the Diſpatch of the aforeſaid Affairs: Witneſs Ourſelf at *Weſtminſter*, the Day of in the — Year of our Reign.

N°. III.

The Form of the Oath of Allegiance appointed by ſtat: 1 W. & M. ch. 1. ſect 6.

I *A. B.* do ſincerely promiſe and ſwear, that I will be faithful, and bear true Allegiance to their Majeſties King *William* and Queen *Mary*.

So help me, God.

N°. IV.

The Form of the Oath of Supremacy appointed by the ſame ſtat. ſect. 7.

I *A. B.* do ſwear, that I do from my heart abhor, deteſt and abjure, as impious and heretical, that damnable Doctrine and Poſition, *That Princes excommunicated or deprived by the Pope, or any Authority of the See of* Rome, *may be depoſed or murdered by their Subjects, or any other whatſoever.* And I do declare that no foreign Prince, Perſon, Prelate, State, or Potentate, hath, or ought to have, any Juriſdiction, Power, Superiority, Pre-eminence, or Authority, Eccleſiaſtical or Spiritual, within this Realm.

So help me, God.

N°. V.

N°. V.

The Form of the Declaration of Teſt, appointed by ſtat. 30 ch. 2. ſtat. 2. ch. 1. ſect. 3.

I *A. B.* do ſolemnly and ſincerely, in the Preſence of *God*, profeſs, teſtify, and declare, That I do believe that in the Sacrament of the Lord's Supper, there is not any Tranſubſtantiation of the Elements of Bread and Wine, into the Body and Blood of *Chriſt*, at or after the Conſecration thereof by any Perſon whatſoever; and that the Invocation or Adoration of the Virgin *Mary*, or any other Saint, and the Sacrifice of the Maſs, as they are now uſed in the Church of *Room*, are ſuperſtitious and idolatrous; and I do ſolemnly, in the Preſence of *God*, profeſs, teſtify, and declare, that I do make this Declaration, and every Part thereof, in the plain and ordinary Senſe of the Words read unto me, as they are commonly underſtood by *Engliſh* Proteſtants, without any Evaſion, Equivocation, or mental Reſervation whatſoever, and without any Diſpenſation already granted me for this Purpoſe by the Pope, or any other Authority or Perſon whatſoever, or without any Hope of any ſuch Diſpenſation from any Perſon or Authority whatſoever, or without thinking that I am or may be acquitted before *God* or Man, or abſolved of this Declaration, or any Part thereof, although the Pope or any other Perſon or Perſons, or Power whatſoever, ſhould diſpenſe with or annul the ſame, or declare that it was null or void from the beginning.

N°. VI.

Nº. VI.

The Form of the Declaration of Fidelity, appointed to be made and ſubſcribed by Quakers, by ſtat. 8 Geo. 2. ch. 6. ſect. 1.

I *A. B.* do ſolemnly and ſincerely promiſe and declare, That I will be true and faithful to King *George*, and do ſolemnly, ſincerely, and truly profeſs, teſtify and declare, That I do from my Heart abhor, deteſt and renounce, as impious and heretical, that wicked Doctrine and Poſition, *That Princes excommunicated or deprived by the Pope, or any Authority of the See of* Rome, *may be depoſed or murdered by their Subjects, or any other whatſoever.* And I do declare, that no foreign Prince, Perſon, Prelate, State, or Potentate, hath or ought to have any Power, Juriſdiction, Superiority, Pre-eminence, or Authority, Eccleſiaſtical or Spiritual, within this Realm.

Nº. VII.

The Form of the Abjuration, as altered by ſtat. 1. Geo. ſtat. 2. ch. 13. ſect. 1. *to be taken after the Demiſe of the late Queen, and as the ſame is now to be taken.*

I *A. B.* do truly and ſincerely acknowledge, profeſs, teſtify, and declare in my Conſcience, before *God* and the World, That our Sovereign Lord King *George* is lawful and rightful King of this Realm, and all other his Majeſty's Dominions and Countries thereunto belonging. And I do ſolemnly and ſincerely declare, that I do believe in my Conſcience, that the Perſon pretended to be Prince of *Wales* during

the Life of the late K. *James*, and ſince his Deceaſe, pretended to be, and taking upon himſelf the Stile and Title of King of *England*, by the Name of *James* the Third, or of *Scotland*, by the Name of *James* the Eighth, or the Stile and Title of King of *Great Britain*, hath not any Right or Title whatſoever to the Crown of this Realm, or any other the Dominions thereto belonging: And I do renounce, refuſe and abjure any Allegiance or Obedience to him. And I do ſwear that I will bear Faith and true Allegiance to his Majeſty King *George*, and him will defend to the utmoſt of my Power, againſt all traiterous Conſpiracies and Attempts whatſoever which ſhall be made againſt his Perſon, Crown, or Dignity. And I will do my utmoſt Endeavour to diſcloſe and make known to his Majeſty and his Succeſſors, all Treaſons and traiterous Conſpiracies which I ſhall know to be againſt him, or any of them. And do faithfully promiſe to the utmoſt of my Power to ſupport, maintain, and defend the Succeſſion of the Crown againſt him the ſaid *James*, and all other Perſons whatſoever; which Succeſſion, by an Act, intitled, *An Act for the further Limitation of the Crown and better ſecuring the Rights and Liberties of the Subject*, is and ſtands limited to the Princeſs *Sophia*, Electoreſs and Dutcheſs Dowager of *Hanover*, and the Heirs of her Body, being Proteſtants: and all theſe Things I do plainly and ſincerely acknowledge and ſwear, according to theſe expreſs Words by me ſpoken, and according to the plain and common Senſe and underſtanding of the ſame Words, without any Equivocation, mental Evaſion, or ſecret Reſervation whatſoever: and I do make this Recognition, Acknowledgment, Abjuration, Renunciation, and Promiſe, heartily, willingly, and truly, upon the true Faith of a Chriſtian. So help me God.

N°

N°. VIII.

The Form in which the Effect of the Abjuration Oath is to be taken by Quakers, appointed by ſtat. 8. Geo. ch. 6. ſect 1.

I *A. B.* do ſolemnly, ſincerely, and truly acknowledge, profeſs, teſtify, and declare, That King *George* is lawful and rightful King of this Realm, and of all other his Dominions and Countries thereunto belonging: and I do ſolemnly and ſincerely declare, That I do believe the Perſon pretending to be the Prince of *Wales*, during the Life of the late King *James*, and ſince his Deceaſe, pretending to be, and taking upon himſelf the Stile and Title of King of *England*, by the Name of *James* the Third, or of *Scotland*, by the Name of *James* the Eighth, or the Stile and Title of King of *Great Britain*, hath not any Right or Title whatſoever to the Crown of this Realm, nor any other the Dominions thereunto belonging: and I do renounce and refuſe any Allegiance or Obedience to him: and I do ſolemnly promiſe, that I will be true and faithful, and bear true Allegiance to King *George*, and to him will be faithful againſt all traiterous Conſpiracies and Attempts whatſoever, which ſhall be made againſt his Perſon, Crown or Dignity: and I will do my beſt Endeavour to diſcloſe and make known to King *George*, and his Succeſſors, all Treaſons and traiterous Conſpiracies which I ſhall know to be againſt him or any of them: and I will be true and faithful to the Succeſſion of the Crown againſt him the ſaid *James*, and all other Perſons whatſoever, as the ſame is and ſtands ſettled by an Act, intitled, *An Act declaring the Rights and Liberties of the Subjects, and ſettling the Succeſſion of the Crown* to the late Queen

Anne, and the Heirs of her Body, being Proteſtants; and as the ſame, by one other Act, intitled, *An Act for the further Limitation of the Crown, and better ſecuring the Rights and Liberties of the Subject*, is, and ſtands ſettled and intailed, after the Deceaſe of the ſaid late Queen, and for Default of Iſſue to the ſaid late Queen, to the late Princeſs *Sophia*, Electoreſs and Dutcheſs Dowager of *Hanover*, and the Heirs of her Body, being Proteſtants: and all theſe Things I do plainly and ſincerely acknowledge, promiſe, and declare, according to theſe expreſs Words by me ſpoken, and according to the plain and common Senſe and underſtanding of the ſame Words, without any Equivocation, mental Evaſion or ſecret Reſervation whatſoever: and I do make this Recognition, Acknowledgment, Renunciation, and Promiſe, heartily, willingly and truly.

N°. IX.

The Form appointed by ſtat. 8 Geo. ch. 6. ſect. 1. *in which the Effect of the Freeholder's Oath is to be adminiſtered to Quakers.*

I, *A. B.* do ſolemnly, ſincerely, and truly, declare and affirm.

N°. X.

The Liverymens Oath appointed by 11 Geo. ch. 18. ſect. 1.

You do ſwear that you are a Freeman of *London*, and a Liveryman of the Company of and ſo have been for the Space of twelve Calendar Months; and that the Place of your Abode is at in and that you have not polled at this Election:

So help you, God

Nº. XI.

The Elector's Oath to be taken by 2 Geo. ch. 24. ſect. 1.

I *A. B.* do ſwear *(or, being one of the People called* Quakers, *I* A. B. *do ſolemnly affirm)* I have not received, or had by myſelf, or any Perſon whatſoever in truſt for me, or for my Uſe and Benefit, directly or indirectly, any Sum or Sums of Money, Office, Place or Employment, Gift or Reward, or any Promiſe or Security for any Money, Office, Employment or Gift, in order to give my Vote at this Election; and that I have not before been polled at this Election.

Nº. XII.

The Freeholders Oath, appointed by 18 Geo. 2. ch. 18. ſect. 1.

You ſhall ſwear, *(or being one of the People called* Quakers, *you ſhall ſolemnly affirm)* That you are a Freeholder in the County of and have a Freehold-eſtate, conſiſting of *(ſpecifying the Nature of ſuch Freehold-eſtate, whether Meſſuage, Land, Rent, Tythe, or what elſe; and if ſuch Freehold-eſtate conſiſts in Meſſuages, Lands or Tythes, then ſpecifying in whoſe Occupation the ſame are; and if in Rents, then ſpecifying the Names of the Owners or Poſſeſſors of the Lands or Tenements, out of which ſuch Rent is iſſuing, or of ſome or one of them)* lying or being at in the County of of the clear yearly Value of forty Shillings, over

and above all Rents and * Charges payable out of, or in reſpect of the ſame; and that you have been in the actual Poſſeſſion or Receipt of the Rents and Profits thereof, for your own Uſe, above twelve Kalendar Months, or that the ſame came to you within the Time aforeſaid, by Deſcent, Marriage, Marriage-ſettlement, Deviſe, or Promotion to a Benefice in a Church, or by Promotion to an Office; and that ſuch Freehold-eſtate has not been granted or made to you fraudulently, on purpoſe to qualify you to give your Vote; and that the Place of your Abode is at in and that you are twenty-one Years of Age, as you believe; and that you have not been polled before at this Election.

N°. XIII.

The Freeholders Oath for Cities and Towns, appointed by 19 Geo. 2. ch. 28. ſect. 1.

You ſhall ſwear, (*or being a* Quaker, *you ſhall ſolemnly affirm*) that you have a Freehold-eſtate, conſiſting of (*ſpecifying the Nature of ſuch Freehold-eſtate, whether Meſſuage, Land, Rent, Tythe, or what elſe; and if ſuch Freehold-eſtate conſiſts in Meſſuages, Lands, or Tythes, then ſpecifying in whoſe Occupation the ſame are; and if Rent, then ſpecifying the Names of the Owners or Poſſeſſors of the Lands or Tenements, out of which ſuch Rent is iſſuing, or of ſome or one of them*) lying or being in the City and County, or Town and County (*as the ſame*

* No public or parliamentary Tax, Church or Pariſh Rate, or any other Tax to be aſſeſſed upon any County or Diviſion, ſhall be deemed any Charge payable out of any Freehold-eſtate within the Meaning of this Oath or Affirmation. Id. ſect. 6.

ſame may be) of of the clear yearly Value of forty Shillings, over and above all Rents and Charges payable out of, or in reſpect of the ſame; and that you have been in the actual Poſſeſſion or Receipt of the Rents and Profits thereof, for your own Uſe, above twelve Kalendar Months; or that the ſame came to you within the Time aforeſaid, by Deſcent, Marriage, Marriage-ſettlement, Deviſe, or Promotion to a Benefice in a Church, or by Promotion to an Office; and that ſuch Freehold-eſtate has not been granted or made to you fraudulently, on purpoſe to qualify you to give your Vote; and that the Place of your Abode is at in and that you are twenty-one Years of Age, as you believe; and that you have not been polled before at this Election.

N°. XIV.

Writ for new Election of one Citizen for the City Weſtminſter.

George the Third, by the Grace of *God*, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* To our Sheriff of the County of *M.* greeting: Whereas Sir *P. W.* Knight, of the moſt Honourable Order of the Bath, was lately choſen one of the Citizens for the City of *W.* in your County, for our preſent Parliament, ſummoned to be holden at our City of *W.* the Day of in the Year of our Reign, and from thence by our ſeveral Writs prorogued to and until the Day of in the ſame Year, on which Day our ſaid Parliament was begun and held, and from thence by ſeveral Adjournments and Prorogations,

was adjourned and prorogued unto the Day of and there now holden: And whereas the ſaid Sir *P. W.* being ſo choſen a Citizen for the ſaid City as aforeſaid, is ſince dead, as by a Letter of our right truſty and well-beloved counſellor Sir *F. N* Baronet, Speaker of our lower Houſe of Parliament, more fully and plainly appears, by means whereof our Subjects of the ſaid City are deprived of one Citizen to treat for the Benefit of the ſame City in our ſaid Parliament; Nevertheleſs, We being unwilling that the Commonalty of our Kingdom in our ſaid Parliament aſſembled, to treat of Buſineſs concerning Us, the State, and Defence of our Kingdom and the Church, from the aforeſaid Cauſe ſhould be diminiſhed or leſſened, whereby thoſe Affairs may not have a due End, We command you, that in the Place of Sir *P. W.* within the City aforeſaid, one other fit and diſcreet Citizen of the aforeſaid City (Proclamation being firſt made of the Premiſes, and of the Day and Place) freely and indifferently, by thoſe who ſhall be preſent at the Proclamation, according to the Form of the Statute in that Caſe made and provided, you cauſe to be elected, and the Name of ſuch Citizen (whether at the ſaid Election he ſhall be preſent or abſent) to be inſerted in certain Indentures to be thereupon made between you and them, who ſhall be preſent at ſuch Election, and to cauſe him to come to the ſaid Parliament, ſo that the ſame Citizen ſo to be elected, may have full Power and ſufficient Authority, for himſelf and the Commonalty of the aforeſaid City, to do and conſent to thoſe Things which in our Parliament aforeſaid, by the Common-council of our Realm, (by the Bleſſing of God) ſhall happen to be ordained upon the aforeſaid Affairs; willing, nevertheleſs, that neither you nor any other Sheriff in this our Kingdom in anywiſe be elected,

and the Election ſo made, diſtinctly and openly under your Seal, and the Seals of them who ſhall be preſent at ſuch Election, certify unto us in our Chancery forthwith, remitting to Us one Part of the aforeſaid Indentures annexed to theſe Preſents, together with this Writ. Witneſs ourſelf at *Weſtminſter*, the Day of in the Year of our Reign.

Yorke and *Yorke*.

Wrote upon the Label to the ſaid Writ as following, *viz.*

To the Sheriff of the County of *M.* A Writ for a new Election of one Citizen for the City of *W.*

Yorke and *Yorke*.

The Execution of this Writ appears in certain Schedules hereunto annexed.

R. S. Eſq; and *S. L.* Eſq; } Sheriffs.

No. XV.

Precept from Sheriff of M. *to the Bailiff of* W. *for the Election of one Citizen for the ſaid City.*

Middleſex, Sir *C. A.* Knight, and Sir *R. G.* Knight, Sheriffs of the ſaid County, to the Bailiff of the Liberty of the Dean and Chapter of the Collegiate Church of St. *Peter*, at *W.* in the ſaid County, greeting. Know that I have received a certain Writ of our Lord the King to me directed, the Tenor whereof followeth, [here follows the

Writ

Writ verbatim] and becauſe the Execution of the ſaid Writ belongs to you, therefore by virtue of the ſaid Writ, I require you, that you forthwith cauſe a Citizen to be elected for the ſaid City in the Place of the ſaid *P. W.* according to the Command of the ſaid Writ; and how this my Warrant ſhall be executed you ſhall make known to me immediately after the ſaid Election made, ſo that I may certify the ſame, together with the ſaid Writ, and this Precept return to our Lord the King in his Chancery forthwith. Hereof fail not. This is your Warrant. Given under the Seal of my Office, dated the Day of One thouſand ſeven hundred and

R. S. and *S. L.* } Sheriff.

The Execution of this Precept appears in a certain Schedule here under annexed.

J. C. Eſq; Bailiff.

N°. XVI.

The Indenture of Election.

This *Indenture* made in the Liberty of *W.* in the County of *M.* the Day of in the Year of the Reign, *&c.* Between Sir *C. A.* Knight, and *R. G.* Knight, Sheriff of the County of *M.* aforeſaid, of the one Part, and *J. C.* Eſq; Bailiff of the Liberty of the Dean and Chapter of the Collegiate Church of Saint *Peter's W.* in the County aforeſaid, Sir *J. C.* Baronet, Sir *R. G.* Baronet, Sir *C. D.* Knight of the moſt honourable

nourable Order of the Bath, the Hon. *W. L. G. S. F. R.* Baronet, the Right Hon. *F. H.* commonly called Lord Viſcount *D. E. F.* and *N. H.* Eſqs; *F. F.* Eſq; Sir *W. I.* Baronet, *C. B.* Eſq; *J. G.* Eſq; and many other Citizens, Burgeſſes and Inhabitants of the City, Town and Borough of *W.* of the other Part, *witneſſeth*, That by Virtue of a certain Precept directed from the ſaid Sheriff to the Bailiff, and ſewed to this Indenture, (Proclamation of the Premiſes in ſaid Precept firſt mentioned, and of the Day and Place, as in the ſaid Precept is directed, firſt being made) the Citizens who were preſent at the ſaid Proclamation, have freely and indifferently, according to the Form of the Statute in that Caſe made and provided, and according to the Tenor and Effect of the aforeſaid Precept, and of the Writ in the ſaid Precept recited, choſen one Citizen of the moſt diſcreet and ſufficient of the City and Liberty aforeſaid (that is to ſay) the honourable *E. C.* Eſq; to which ſaid *E. C.* ſo elected, the aforeſaid Citizens have given and granted full and ſufficient Power for themſelves and the Commonalty of the City, Town, Borough, and Liberty aforeſaid, to do and conſent to thoſe Things, which at the ſaid Parliament by the Common-Council of the ſaid Kingdom (with God's Aſſiſtance) ſhall happen to be ordained upon the Affairs in the ſaid Precept ſpecified, according to the Form and Effect of the ſaid Precept. In witneſs whereof, as well as the ſaid Sheriff as the aforeſaid Bailiff, Citizens, Burgeſſes and Inhabitants of the City, Town, Borough and Liberty aforeſaid, to theſe Indentures their Seals have interchangeably put, the Day and Year firſt above-mentioned

N°. XVII.

The Form of the Candidates Oath to be taken (if required) by ſtat. 9. An. ch. 5. ſect. 5.

I *A. B.* do ſwear, That I truly, and *bona fide*, have ſuch an Eſtate in Law or Equity, to and for my own Uſe and Benefit of or in Lands, Tenements or Hereditaments, (over and above what will ſatisfy and clear all Incumbrances that may affect the ſame) of the annual Value of Six hundred Pounds, above Reprizes, as doth qualify me to be elected and returned to ſerve as a Member for the County of according to the Tenor and true Meaning of the Act of Parliament in that Behalf; and that my ſaid Lands, Tenements or Hereditaments, are lying or being within the Pariſh, Townſhip, or Precinct of or in the ſeveral Pariſhes, Townſhips, or Precincts of in the County of or in the ſeveral Counties of (as the Caſe may be.)

The like Oath *(mutatis mutandis)* as to the Value of Three hundred Pounds, to be taken by Candidates for a City, Borough, *&c.*

N°. XVIII.

Oath of the Members, appointed to be taken by 33 Geo. 2. ch. 20. ſect. 1.

I *A. B.* do ſwear, That I truly, and *bona fide*, have ſuch an Eſtate in Law or Equity, and of ſuch Value, and to and for my own Uſe and Benefit, of or in Lands, Tenements, or Hereditaments, over and above what will ſatisfy and clear all Incumbrances

cumbrances that may affect the ſame, as doth qualify me to be elected and returned to ſerve as Member for the Place I am returned for, according to the Tenor and true Meaning of the Acts of Parliament in that Behalf; and that ſuch Lands, Tenements or Hereditaments, do lie as deſcribed in the Paper or Account ſigned by me, and now delivered to the Clerk of the Houſe of Commons.

So help me, God.

N°. XIX.

Account to be ſigned by every member by ſtat. 33. Geo. 2. ch. 20.

I *A. B.* of am really and *bona fide* ſeiſed of an Aunuity of Rent Charge, for my own Uſe and Benefit, of the clear yearly Value of forty Shillings, above all Rents and Charges payable out of the ſame, wholly iſſuing out of Freehold Lands, Tenements or Hereditaments, belonging to *C. D.* of ſituate, lying, and being in the Pariſh, Townſhip or Place, or in the Pariſhes, Townſhips, or Places of *E.* in the County of without any Truſt, Agreement, Matter or Thing, to the contrary notwithſtanding; and *I*, or the Perſon or Perſons under whom *I* claim, was or were ſeiſed of the ſaid Annuity or Rent Charge, before the firſt Day of *June*, One thouſand ſeven hundred and ſixty-three.

N°. XX.

N°. XX.

By the KING,

A PROCLAMATION*.

GEORGE R.

Whereas *J.* Earl of *M.* and *J.* Earl of *H.* who were duly elected and returned to be two of the ſixteen Peers of *Scotland*, to ſit in the Houſe of Peers, in the preſent Parliament of *Great Britain*, are ſince deceaſed; in order to the electing two other Peers of *Scotland*, to ſit in their Room, We do, by the Advice of our Privy Council, iſſue forth this Proclamation, ſtrictly charging and commanding all the Peers of *Scotland*, to aſſemble and meet at *Holy-rood-Houſe*, in *Edingburgh*, on *Thurſday* the firſt day of *October* next, between the Hours of twelve and two in the Afternoon, to nominate and chooſe two other Peers of *Scotland*, to ſit and vote in the Houſe of Peers of this preſent Parliament of *Great Britain*, in the Room of the ſaid *James* Earl of *Moray*, and *John* Earl of *Hyndford*, deceaſed, by open Election and Plurality of Voices of the Peers that ſhall then be preſent, and of the Proxies of ſuch as ſhall be abſent, (ſuch Proxies being Peers) and producing a Mandate in Writing duly ſigned before Witneſſes, and both Conſtituent and Proxy being qualified according to Law. And the Lord Clerk Regiſter, or ſuch two of the Principal Clerks of the Seſſion as ſhall be appointed by him to officiate in his Name, are hereby reſpectively required to attend ſuch Meeting, and to adminiſter the Oaths required by Law to be taken

* This *mutatis mutandis* will do for the Proclamation on the Call of a new Parliament.

there

there by the ſaid Peers, and to take their Votes, and immediately after ſuch Election made, and duly examined, to certify the Names of the Peers ſo elected, and ſign and atteſt the ſame in the Preſence of the ſaid Peers the Electors; and to return ſuch Certificate into our High Court of *Chancery* of *Great Britain*. And We do ſtrictly charge and command, that this Proclamation be duly publiſhed at the Market Croſs of *Edinburgh*, and in all the County Towns in *Scotland*, twenty-five Days at leaſt before the Time hereby appointed for the Meeting of the ſaid Peers, to proceed on ſuch Election.

Given at our Court at *St. James's*, the fifth Day of *January*, One thouſand ſeven hundred and Seventy-four, in the Fourteenth Year of our Reign.

God ſave the KING.

No XXI.

The Formula *appointed by Act of Parliament, made* 8 & 9 Seſſ. W. 3. *in* Scotland.

I *A. B.* do ſincerely, from my Heart profeſs and declare before God, who ſearcheth the Heart, that I do deny, diſown, and abhor theſe Tenets and Doctrines of the Papal Romiſh Church, *viz.* the Supremacy of the Pope and Biſhop of *Rome*, over all Paſtors of the Catholic Church, his Power and Authority over Kings, Princes, and States, and the Infallibility that he pretends to, either without or with a General Council, his Power of Diſpenſing and Pardoning, the Doctrine of Tranſubſtantiation, and the Corporal Preſence, with the Communion without the Cup in the Sacrament of the Lord's

Lord's Supper, the Adoration and Sacrifice profeſſed and practiſed by the Popiſh Church in the Maſs, the Invocation of Angels and Saints, the Worſhipping of Images, Croſſes, and Relicts, the Doctrine of Supererogation, Indulgences, and Purgatory, and the Service and Worſhip in an unknown Tongue: All which Tenets and Doctrines of the ſaid Church, I believe to be contrary to, and inconſiſtent with, the written word of God; and I do from my heart deny, diſown, and diſclaim, the ſaid Doctrines and Tenets of the Church of *Rome*, as in the Preſence of God, without any Equivocation or mental Reſervation, but according to the known and plain Meaning of the Words, as to me offered and propoſed.

So help me, God.

N° XXII.

The Freeholders Oath in Scotland, *appointed by* 1 Geo. 2. ch. 16. ſect. 2.

I *A. B.* do in the Preſence of God declare and ſwear, that the Lands and Eſtate of for which I claim a Right to vote in the Election of a Member to ſerve in Parliament for this County or Stewartry, is actually in my Poſſeſſion, and do really and truly belong to me, and is my own proper Eſtate, and is not conveyed to me in Truſt, or for or in Behalf of any other Perſon whatſoever; and that neither I, nor any Perſon to my Knowledge, in my Name, or on my Account, or by my Allowance, hath given, or intends to give, any Promiſe, Obligation, Bond, Back-bond, or other Security whatſoever, other than appears from the Tenor and Contents of the Title, upon which I now

now claim a Right to vote, directly or indirectly, for re-diſpoſing or re-conveying the ſaid Lands and Eſtate in any manner of Way whatſoever, or for making the Rents or Profits thereof forthcoming, to the Uſe or Benefit of the Perſon from whom I have acquired the ſaid Eſtate, or any other Perſon whatſoever; and that my Title to the ſaid Lands and Eſtate is not nominal or fictitious, created or reſerved in me, in order to enable me to vote for a Member to ſerve in Parliament; but that the ſame is a true and real Eſtate in me, for my own Uſe and Benefit, and for the Uſe of no other Perſon whatſoever; and that this is the Truth as I ſhall anſwer to God.

No. XXIII.

The Oath of the Electors for Towns in Scotland, *appointed by* 16 Geo. 2. ch. 11. ſect. 34.

I *A. B.* do ſolemnly ſwear, that I have not directly or indirectly, by way of Loan, or other Device whatſoever, received any Sum or Sums of Money, Office, Place, Employment, Gratuity, or Reward, or any Bond, Bill, or Note, or any Promiſe of any Sum or Sums of Money, Office, Place, Employment, or Gratuity whatſoever, either by myſelf or any other, to my Uſe or Benefit, or Advantage, or to the Uſe, Benefit, or Advantage of the City or Borough of which I am Magiſtrate, Counſellor, or Burgeſs, in order to give my Vote at this Election.

So help me, God.

No. XXIV.

The Common-clerk's Oath in Scotland, *appointed by* 16 Geo. ch. 11. ſect. 35.

I *A. B.* do ſolemnly ſwear, That I have not directly or indirectly, by way of Loan or other Device whatſoever, received any Sum or Sums of Money, Office, Place, Employment, Gratuity, or Reward, or any Bond, Bill, or Note, or any Promiſe, of any Sum or Sums of Money, Office, Place, Employment, or Gratuity whatſoever, either by myſelf or any other, to my Uſe, or Benefit, or Advantage, to make out any Commiſſion for a Commiſſioner for chooſing a Burgeſs; and that I will duly make out a Commiſſion to the Commiſſioner who ſhall be choſen by the Majority of the Town-council aſſembled, and to no other Perſon. So help me, God.

No. XXV.

Oath of the Clerk of the preſiding Borough in Scotland, *appointed by* 16 Geo. 2. ch. 11. ſect. 35.

I *A. B.* do ſolemnly ſwear, That I have not directly or indirectly, by way of Loan or other Device whatſoever, received any Sum or Sums of Money, Office, Place, Employment, Gratuity, or Reward, or any Bond, Bill, or Note, or any Promiſe of any Sum or Sums of Money, Office, Place, Employment, or Gratuity, whatſoever, either by myſelf, or any other to my Uſe, Benefit, or Advantage, to make any Return at this Election of a Member to ſerve in Parliament; and that I will return to the Sheriff or Steward, the Perſon elected by

by the major Part of the Commiſſioners aſſembled, whoſe Commiſſions are authenticated by the Subſcription of the Common-clerk, and common Seal of the reſpective Boroughs of this Diſtrict.

So help me, God.

No. XXVI.

Oath of the Clerk at Elections for Counties in Scotland, *appointed by* 16 Geo. 2. ch. 11. ſect. 37.

I *A. B.* do ſolemnly ſwear, that I have not directly or indirectly, by way of Loan or other Device whatſoever, received any Sum or Sums of Money, Office, Place, or Employment, Gratuity or Reward, or any Bond, Bill, or Note, or any Promiſe of any Sum or Sums of Money, Office, Place, Employment, or Gratuity whatſoever, by myſelf, or any other to my Uſe, Benefit, or Advantage, to take any Return at the preſent Election of a Member to ſerve in Parliament; and that I will return to the Sheriff or Steward the Perſon elected by the Majority of the Freeholders upon the Roll made up at this Election, and who ſhall be preſent and vote at this Meeting.

So help me, God.

No. XXVII.

The * *Oath of the Returning Officer, required to be taken by* 2 Geo. 2. c. 24. ſect. 3.

I *A. B.* do ſolemnly ſwear, that I have not, directly or indirectly, received any Sum or Sums of

* Repealed ſo far as it relates to the Returning Officer in *Scotland*, 16 *Geo.* 2. *c.* 11. *ſect* 38.

Money, Office, Place or Employment, Gratuity, or Reward, or any Bond, Bill, or Note, or any Promiſe or Gratuity whatſoever, either by myſelf, or any other Perſon to my Uſe, Benefit, or Advantage, for making any Return at the preſent Election of Members to ſerve in Parliament; and that I will return ſuch Perſon or Perſons as ſhall, to the beſt of my Judgment, appear to me to have the Majority of legal Votes.

No. XXVIII.

The Certificate to be entered on Oath by Freeholders, &c. with the Clerk of the Peace in purſuance of ſtat. 3 Geo. 3. ch. 24. ſect. 1.

I *A. B.* of am really and *bona fide* ſeiſed of an Annuity or Rent-charge, for my own Uſe and Benefit, of the clear yearly Value of forty Shillings, above all Rents and Charges payable out of the ſame, wholly iſſuing out of Freehold Lands, Tenements or Hereditaments, belonging to *C. D.* of ſituate, lying, and being in the Pariſh, Townſhip, or Place, or in the Pariſhes, Townſhips, or Places of *E.* in the County of without any Truſt, Agreement, Matter, or Thing, to the contrary, notwithſtanding; and I, or the Perſon or Perſons under whom I claim, was or were ſeiſed of the ſaid Annuity or Rent-charge, before the firſt Day of *June*, One thouſand ſeven hundred and ſixty-three.

No.

No. XXIX.

The Certificate to be entered on Oath by Freeholders, &c. with the Clerks of the Peace, in pursuance of 8 Geo. 3. ch. 24. sect. 2.

I *A. B.* of am really and *bona fide* seised of an Annuity or Rent-charge, to my own Use and Benefit, of the clear yearly Value of forty Shillings a Year, above all Rents and Charges payable out of the same, wholly issuing out of Freehold Lands, Tenements or Hereditaments, belonging to *C. D.* of situate, lying and being in the Parish, Township, or Place, or in the Parishes, Townships, or Places of in the County of without any Trust, Agreement, Matter or Thing to the contrary notwithstanding; and I became seised of the said Annuity or Rent-charge on the Day of last past, by Descent or otherwise (*as the Case may happen.*)

No. XXX.

The Returning Officer's Oath, to be taken by 8 Geo. 2. ch. 24. sect. 5.

I *A. B.* do solemnly swear, that I have not, directly nor indirectly, received any Sum or Sums of Money, Office, Place, or Employment, Gratuity or Reward, or any Bond, Bill or Note, or any Promise or Gratuity whatsoever, either by myself, or any other Person to my Use, or Benefit, or Advan-

tage, for making any Return at the preſent Election of Members to ſerve in Parliament; and that I will return ſuch Perſon or Perſons as ſhall, to the beſt of my Judgment, appear to me to have the Majority of legal Votes.

No. XXXI.

Form of the Lord Steward's Deputation.

William Earl *Talbot*, Lord Steward of his Majeſty's Houſhold, and one of his Majeſty's moſt honourable Privy-council, to all to whom theſe Preſents ſhall come, KNOW YE, That I the ſaid Lord Steward, by virtue of my ſaid Office of Lord Steward, HAVE conſtituted, named, and appointed, AND by theſe Preſents, DO conſtitute, name, and appoint, [about three Score and fifteen Noblemen and Gentlemen] or any Six, Five, Four, Three, Two, or One of them, my Deputy and Deputies, in my Place and Stead, to tender and adminiſter the Oaths mentioned in a Statute made in the firſt Year of the Reign of their late Majeſties King *William* and Queen *Mary*, intitled, "An Act for removing and preventing all Doubts and Diſputes concerning the aſſembling and ſitting of this preſent Parliament," according to the Directions of the ſaid Statute, and of all and every other Statute and Statutes, directing the taking the ſaid Oaths before me, to all and every Perſon and Perſons, who is, are, or ſhall be, elected or appointed a Knight, Citizen, Burgeſs, Baron of any of the five Ports, or Commiſſioners for the Shires or Burghs of the preſent Parliament, appointed to meet the

Day

Day of and to take and receive the Oaths of all and every the ſaid Perſon and Perſons, who is, are or ſhall be elected or appointed a Knight, Citizen, Burgeſs, Baron of any of the five Ports, or Commiſſioners for the Shires or Burghs aforeſaid, for the ſaid Parliament; ALSO, to tender and adminiſter the Oath mentioned in a Statute made the ſeventh year of the Reign of his late Majeſty, (intituled, "An Act for the better regulating the Election of Members to ſerve in the Houſe of Commons, for that Part of *Great Britain* called *Scotland*, and for incapacitating the Judges of the Court of Seſſion, Court of Juſticiary, and Barons of the Court of *Exchequer* in *Scotland*, to be elected, or to ſit or vote as Members of the Houſe of Commons,") according to the Directions of another Statute made in the ſixteenth Year of his late Majeſty's Reign, directing the ſaid Oath to be taken before me, to all and every Perſon and Perſons, who is, are, or ſhall be choſen, a Member to ſerve in Parliament for any Shire or Stewartry, within that Part of *Great Britain*, called *Scotland*, and who was not, were not, or ſhall not, be preſent, at the Meeting of Election; AND to take and receive the Oath of all and every ſuch Perſon and Perſons, giving them, my ſaid Deputies, Six, Five, Four, Three, Two, or One of them, full Power and Authority to execute, and perform the Matters herein-before mentioned, RATIFYING and confirming all and whatſoever my Deputies or Deputy ſhall lawfully do and perform in this Behalf, in as ample, perfect and full Manner, as if I myſelf had perſonally been preſent, and done the ſame; in Teſtimony whereof, I the ſaid Lord Steward have hereunto ſet my Hand and Seal, this Day of in the fourteenth Year of the Reign of,

&c. and in the Year of our Lord One thouſand ſeven hundred and ſeventy-four.

Sealed and delivered (being firſt duty ſtamped) in the Preſence of — TALBOT (L. S.)

N. B. The Form to be met with in the printed Journals of the Houſe of Commons, we think, is injudiciouſly drawn up, and have therefore preſumed to alter it in the above.

N°. XXXII.

Freeholders Oath, by 18 Geo. 2. ch. 18.

You ſhall ſwear, or being a Quaker, ſolemnly affirm, that you are Freeholder in the *Rape* of *Bamber*, in the County of *Suſſex*, and have a Freehold Eſtate, conſiſting of (*Specifying the Nature thereof, and if it conſiſts in Meſſuages, Lands, or Tithes, in whoſe Occupation the ſame are, and if in Rent, the Names of the Owners or Poſſeſſors of the Tenements out of which ſuch Rent is iſſuing, or of ſome of them*) lying or being at within the *Rape* of *Bramber*, in the County of *Suſſex*, of the clear yearly Value of forty Shillings, over and above all Rents and Charges payable out of, or in reſpect of the ſame; and that you have been in the actual Poſſeſſion or Receipt of the Rents and Profits thereof for your own Uſe above twelve Calendar Months, (or that the ſame came to you within the Time aforeſaid, by Deſcent, Marriage, Marriage-Settlement, Deviſe, or Promotion to a Benefice in a Church, or by Promotion to an Office;) and that ſuch Freehold Eſtate has not been granted or made to you fraudulently, on Purpoſe to qualify you to give your Vote; and that the Place of your Abode is at in and that you are twenty-one Years of Age, as you believe; and that you have not been Polled before at this Election.

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FINIS.

Ex. Jg.

ERRATA.

Page 195. before 2 *die Decembris*, 1747, Inſert, Milbourn-Port.

Martis, 8 *die Decembris*, 1702.

Reſolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Milbourn-Port*, in the County of *Somerſet*, is only in the capital Bailiffs and their Deputies, in the Commonalty, Stewards, and the Inhabitants thereof, paying Scot and Lot.

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